



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/524-3300

November 10, 2005

Certified Mail

7002 3150 0000 1254 2255

Aubrey Manufacturing, Inc.  
Attn: Thomas J. Kucera, Engineering Manager  
6709 South Main Street  
Union, Illinois 60180

Re: 1110905002 - McHenry County  
Aubrey Manufacturing, Inc.  
ILD005238159  
Closure Log No. C-686 (certification)  
RCRA-Closure

Dear Mr. Kucera:

This is in response to the following submittals made on your behalf regarding RCRA closure of a former hazardous waste surface impoundment at the above-referenced facility (a drawing showing the former location of this impoundment within the subject facility is attached):

1. A March 11, 2005 submittal from David C. Dusing, P.E., Environmental Resources Management;
2. A June 14, 2005 submittal from Mr. Dusing;
3. An April 15, 2005 submittal; and
4. A September 14, 2005 submittal from Mr. Dusing which included a Closure Documentation Report.

These documents were the final ones necessary to demonstrate that closure of the subject surface impoundment had been completed in accordance with the approved plan. A review of these documents and an inspection of this facility, conducted on October 18, 2005, indicated that the unit had been closed in accordance with the approved plan. Therefore, Illinois EPA has determined that no further action is necessary to complete closure of the subject unit and that the closure efforts carried out at this unit have met the requirements of 35 Ill. Adm. Codes 725 and 742.

As a result of completing closure of the subject hazardous waste management unit:

1. This facility must meet the hazardous waste generator requirements of 35 Ill. Adm. Code 722.
2. All waste and contaminated soil once present in the unit have been removed.
3. The Aubrey Manufacturing, Inc. facility located at 6709 South Main Street in Union, Illinois (PIN No. 17-04-330-003, 17-04-300-009, and 17-04-330-010) is subject to an Environmental Land Use Control (ELUC) and a Highway Authority Agreement (HAA) recorded with the McHenry County Recorder's Office on May 11, 2005 and May 19, 2005 as Document Numbers 2005 R0036568 and 2005 R0039007 respectively. This ELUC and HAA shall apply in perpetuity to the facility and shall not be released until:  
(1) Illinois EPA determines that there is no longer a need for this ELUC and HAA;  
(2) Illinois EPA, upon written request from the property owner and in accordance with 35 Ill. Adm. Code 742.1010, issues an amended certification of closure or a permit modification approving modification/elimination of the ELUC and HAA requirements; and (3) a release or modification of the ELUC and HAA is filed on the chain of title for the Property.
4. The approved ELUC and HAA places the following restrictions on the subject property:
  - a. The facility shall not use groundwater as a potable water supply source within the area depicted in Exhibit B of the ELUC.
  - b. The facility shall not use groundwater as a potable water supply source within the area depicted in Exhibit A of the HAA.
5. Failure to comply with the limitations or requirements of an ELUC may result in avoidance of an Agency no further action determination in accordance with the program under which the determination was made. The failure to comply with the limitations or requirements of an ELUC may also be grounds for an enforcement action pursuant to Title VIII of the Illinois Environmental Protection Act.
6. At no time shall this site be used in a manner inconsistent with the land use limitations established in the approved ELUC and HAA, unless: (1) attainment of objectives appropriate for the new land use is achieved, and (2) a new no further action determination is obtained from Illinois EPA and subsequently recorded in accordance with 35 Ill. Adm. Code 742.
  - a. Requests to release or modify an ELUC or HAA must be formally requested in writing from Illinois EPA as a: (1) request to amend the certification of closure; or

Mr. Thomas Kucera  
Log No. C-686 (certification)  
Page 3

(2) a permit modification request. Sufficient information must be provided in these requests to demonstrate that the requested change meets all the requirements of 35 Ill. Adm. Code 742.

- b. Any final approval by Illinois EPA of a request to release or modify an ELUC or HAA must be filed with the chain of title for the subject facility.

This letter shall constitute Illinois EPA's final decision on the subject submittals. Within 35 days after the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA within the 35-day initial appeal period.

Work required by this letter, your submittal or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This letter does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

Should you have any questions regarding groundwater issues, please contact Scott Kaufman at 217/785-6869. For other matters, please contact William T. Sinnott, II at 217/524-3310.

Sincerely,



Joyce L. Munie, P.E.  
Manager, Permit Section  
Bureau of Land

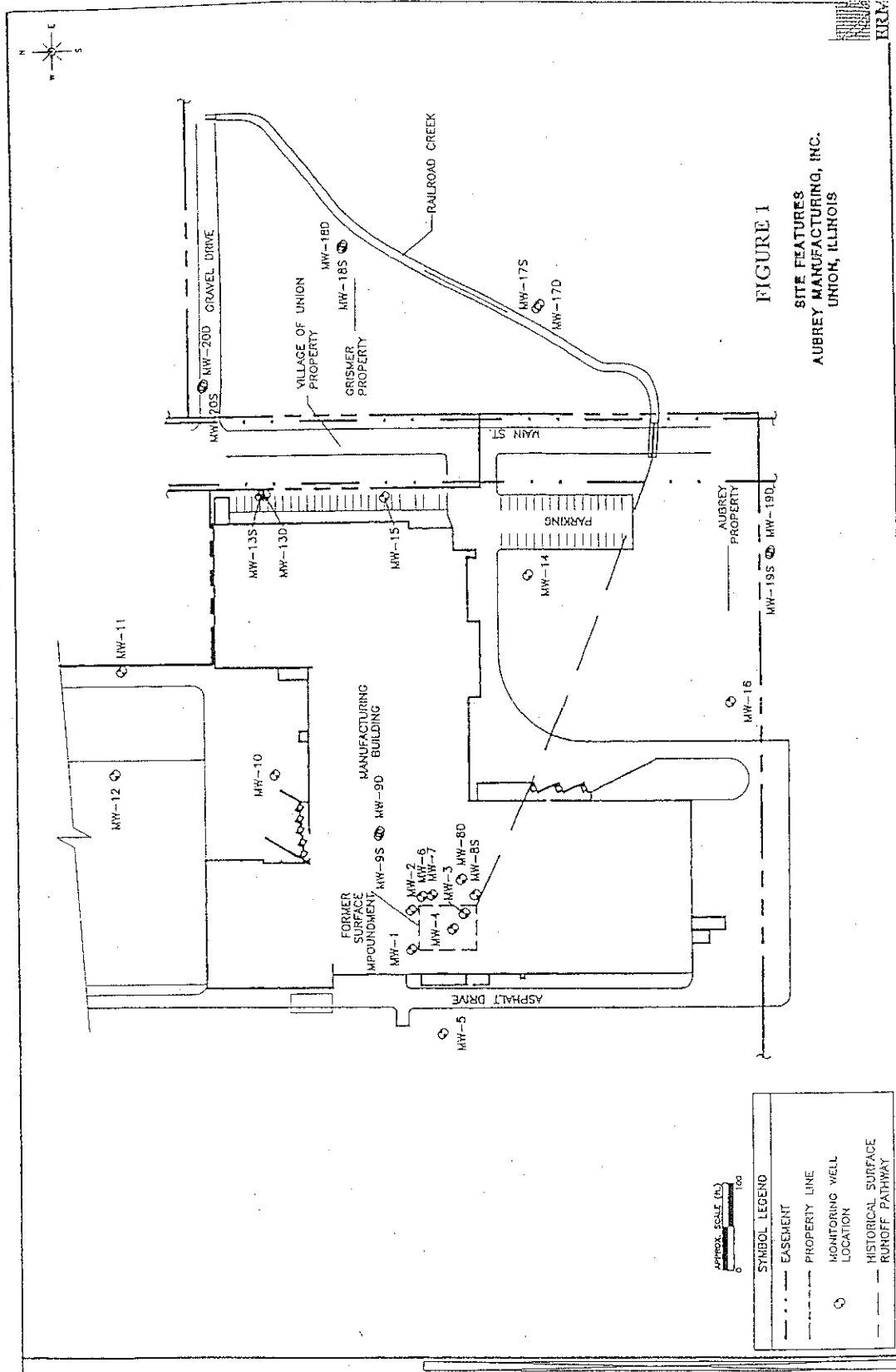
JLM:WTS:bjh\05603s.doc  
JLM

Attachment: Site Layout Map

cc: USEPA Region V

Carl B. Stay, P.E., P.G. - ERM - North Central, Inc. (Milwaukee, WI)

bcc: Bureau File  
Des Plaines Region  
Bill Ingersoll - DLC  
Jim Moore  
Terri Blake Myers  
Scott Kaufman  
Bill Sinnott



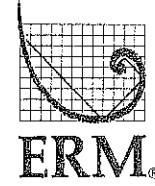
C-686

cc: DesPlaines

JKM  
BAH

Environmental  
Resources  
Management

700 W. Virginia Street  
Suite 601  
Milwaukee, WI 53204  
(414) 289-9505  
(414) 289-9552 (fax)



March 11, 2005

Joyce Munie, P.E.  
Illinois Environmental Protection Agency  
Bureau of Land - #33, Permit Section  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

RE: 1110905002 - McHenry County  
Aubrey Manufacturing, Inc.  
ILD005238159  
RCRA Closure

**RECEIVED**

**MAR 14 2005**

**IEPA - BOL  
PERMIT SECTION**

Dear Ms. Munie:

Enclosed please find certified true copies of the Environmental Land Use Control (ELUC) and the Highway Authority Agreement (HAA) for the Aubrey Manufacturing, Inc. (Aubrey) facility and adjacent highway property located in Union, McHenry County, Illinois. Environmental Resources Management, Inc. (ERM) is submitting these documents, on behalf of Aubrey, to address the final closure requirements presented in the January 10, 2003 letter from you to Karl Adrian at Aubrey.

Please note that McHenry County microfilmed the originals of these two documents, and the certified copies enclosed herein are made from the microfilm. As a result, the shaded portion of the HAA does not show in the certified figure. To help clarify the position of the HAA with respect to the Aubrey property, ERM has enclosed an 11" by 17" map showing the HAA's extent.

Should you have any questions regarding these documents, please do not hesitate to contact me at (414) 289-9505.

Sincerely,

David C. Dusing, P.E.  
Principal

**enclosures:**

*Illinois EPA Form LPC-PA18 – Original and two copies*

*Environmental Land Use Control (ELUC) – Certified copy and two photocopies*

*Highway Authority Agreement (HAA) – Certified copy and two photocopies*

*Map showing shaded portion of the HAA- Three copies*

**Cc:**

Kevin W. Donnelly, NorTek, Inc.

Andrew W. Prete, NorTek, Inc.

Thomas J. Kucera, Aubrey Manufacturing, Inc.

Dennis L. Studley, Aubrey Manufacturing, Inc.

Lynn M. Hanley, Sidley Austin Brown & Wood

Dennis Reis, Dennis Reis LLC



Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

**RCRA INTERIM STATUS CLOSURE AND POST-CLOSURE  
CARE PLANS GENERAL FORM  
LPC-PA18**

THIS FORM MUST ACCOMPANY ANY RCRA INTERIM-STATUS CLOSURE AND/OR POST-CLOSURE CARE PLANS OR MODIFICATION REQUEST SUBMITTED TO THE DIVISION OF LAND POLLUTION CONTROL. THE ORIGINAL AND TWO COPIES OF ALL DOCUMENTS SUBMITTED MUST BE PROVIDED.

**FACILITY IDENTIFICATION** (Information about the facility where the units are located which are addressed in this closure plan submittal)

Name: Aubrey Manufacturing, Inc.

County: McHenry

Street Address: 6709 S. Main Street

Site # (IEPA): 110905002

City: Union

Site No. (USEPA): ILD005238159

**OWNER INFORMATION**

**OPERATOR INFORMATION**

Name: Aubrey Manufacturing, Inc..

Aubrey Manufacturing, Inc.

Mailing

Address: 6709 S. Main Street

6709 S. Main Street

Union, IL 60180

Union, IL 60180

Contact Name: Thomas J. Kucera

Thomas J. Kucera

Contact Title: Engineering Manager

Engineering Manager

Phone #: (815) 923-2101 ext. 236

(815) 923-2101 ext. 236

**TYPE OF SUBMISSION** (check applicable item and provide requested information, as applicable)

☐ Original (New) Closure Plan

Log No. of Most Recent Agency

Approval/Disapproval Letter C-686-M-17-18

☐ Original (New) Post-Closure Plan

☐ Response to Disapproval letter

Date of Most Recent Agency

Approval/Disapproval Letter 10 JAN 2003

☐ Modification Request

☒ Additional Information for 01 / 10 / 03 Submittal (Log No. C-686-M-17-18 if known)

Does this submittal contain groundwater information:

Yes

No

No

**RECEIVED**

**MAR 14 2005**

**IEPA - BOL  
PERMIT SECTION**

(IF YES, PLEASE INCLUDE ONE ADDITIONAL COPY OF SUBMITTAL)

**DESCRIPTION OF SUBMITTAL:** (briefly describe what is being submitted)

Submittal of Environmental Land Use Control (ELUC) and Highway Authority Agreement (HAA) per IEPA letter dated January 10, 2003.

**LIST OF DOCUMENTS SUBMITTED** (identify all documents in this submittal, including the cover letter)

Cover Letter; This form (LPC-PA18); ELUC and HAA.

**UNITS UNDERGOING CLOSURE** (please identify what type of units are addressed in the plan, their capacities and whether they are on the RCRA Part A for the facility)

<u>Unit</u>	<u>Unit Code</u>	<u>Number of Units Closing</u>	<u>Capacity</u>	<u>On Part A (Y/N)</u>
<u>Storage:</u>				
Container (barrel, drum, etc.)	S01	_____	_____	_____
Tank	S02	_____	_____	_____
Waste Pile	S03	_____	_____	_____
Surface Impoundment	S04	_____	_____	_____
<u>Treatment:</u>				
Tank	T01	_____	_____	_____
Surface Impoundment	T02	<u>1</u>	<u>135000</u>	<u>N</u>
Incinerator	T03	_____	_____	_____
Other (explain)	T04	_____	_____	_____
<u>Disposal:</u>				
Landfill	D80	_____	_____	_____
Land Application	D81	_____	_____	_____
Surface Impoundment	D83	_____	_____	_____

**CERTIFICATION AND SIGNATURE** (Must be completed for all submittals. Certification and signature requirements are set forth in 35 IAC 702.126. Any submittal involving engineering plans, specifications and calculations as defined in the Illinois Professional Engineering Practice Act (225 ILCS 325) and 68 Ill. Adm. Code 1380 must be signed and certified by an Illinois licensed professional engineer.)

All closure plans, post-closure plans and modifications must be signed by the person representing the owner/operator designated below or by a duly authorized representative of that person:

1. If the owner/operator is a Corporation - By a principal executive officer of at least the level of vice-president.
2. If the owner/operator is a Partnership or Sole Proprietorship - By a general partner or the proprietor, respectively.
3. If the owner/operator is a Government - By either a principal executive officer or a ranking elected official.

A person is a duly authorized representative only if:

1. the authorization is made in writing by a person described above; and
2. is submitted with this application (a copy of a previously submitted authorization can be used).



CERTIFICATION STATEMENT - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner Signature:

John W. HummelMARCH 10, 2005

(Date)

Title:

VICE PRESIDENT, SECRETARY

Operator Signature:

John W. HummelMARCH 10, 2005

(Date)

Title:

VICE PRESIDENT, SECRETARY

Engineer Signature:

David C. Dusing

(if necessary)

March 11, 2005

(Date)

Engineer Name:

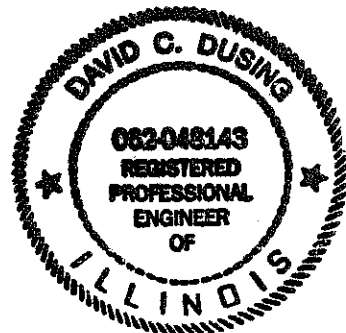
David C. Dusing, P.E.

Engineer Seal:

Engineer Address:

Environmental Resources Management, Inc.700 W. Virginia Street, Suite 601Milwaukee, WI 53204Engineer Phone No.: (414) 289-9505

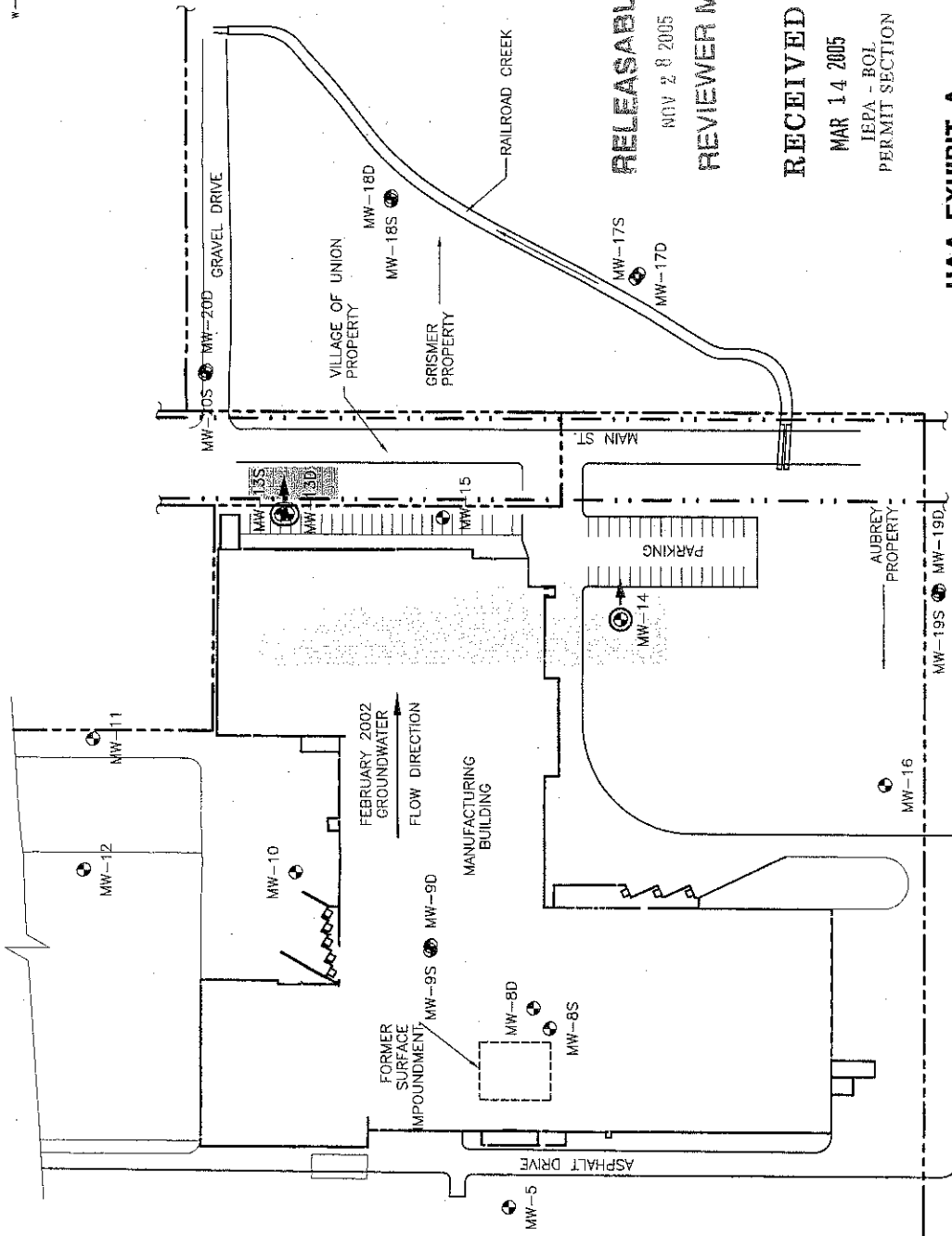
JM:bjh\97763i.doc



RECEIVED

MAR 14 2005

IEPA - BOL  
PERMIT SECTION



RELEASEABLE

NOV 28 2005

REVIEWER MD

RECEIVED

MAR 14 2005

IEPA - BOL  
PERMIT SECTION

### HAA EXHIBIT A

EXTENT OF CONTAMINANT IMPACT  
AUBREY MANUFACTURING, INC.  
UNION, ILLINOIS

KEY:  
HAA = HIGHWAY AUTHORITY AGREEMENT

NOTE:  
GROUNDWATER CONTAMINATION EXTENDS FROM  
15 TO 35 FEET BELOW GROUND SURFACE.

APPROX. SCALE (ft)  
0 100

SYMBOL LEGEND	
---	EASEMENT
---	PROPERTY LINE
●	MONITORING WELL LOCATION
○	ON-SITE CONTAMINATION
○	OFF-SITE CONTAMINATION (AREA COVERED BY HAA)
○	ASSUMED SOURCE OF CONTAMINATION
→	DIRECTION OF CONTAMINATION TRAVEL



*Phyllis K. Walters*  
*McHenry County Recorder*

## CERTIFICATION

I, Phyllis K. Walters, Recorder for the County of McHenry, State of Illinois, does hereby certify this to be a true and correct copy of Document Number 2005R0014450 recorded February 25<sup>th</sup> 2005 in my office. In witness whereof, I have set my hand and affixed the seal of my office.

DATE: MARCH 10<sup>TH</sup>, 2005

*Phyllis K. Walters*  
*McHenry County Recorder*

**RECEIVED**

MAR 14 2005

IEPA - BOL  
PERMIT SECTION

by

  
Clerk, Recorder's Office

Located at: 667 Ware Rd, Woodstock, IL  
Mailing Address:  
2200 N. Seminary Avenue, Room 109  
Woodstock, IL 60098  
815-334-4110 fax 815-338-9612

025

12

MCHEMRY COUNTY RECORDER  
PHYLLIS K. WALTERS

2005R0014450

02/25/2005 11:00AM

PAGES 12

RECORDING FEE 34.00

COUNTY STAMP FEE

STATE STAMP FEE

PREPARED BY:

Dennis Reis LLC  
7000 North Green Bay Avenue  
Milwaukee, WI 53202

RETURN TO:

Thomas J. Kucera  
Aubrey Manufacturing, Inc.  
6709 South Main Street  
Union, Illinois 60180

THE ABOVE SPACE FOR RECORDER'S OFFICE

**Environmental Land Use Control**

This **Environmental Land Use Control** ("ELUC"), is made this 18<sup>th</sup> day of February, 2005, by Aubrey Manufacturing, Inc. ("Property Owner"), owner of the real property located at the common address 6709 South Main Street, Union, Illinois 60180 ("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an ELUC as an institutional control in order to impose land use limitations or requirements related to environmental contamination so that persons conducting remediation can obtain a No Further Remediation determination from the Illinois Environmental Protection Agency ("IEPA"). The reason for an ELUC is to ensure protection of human health and the environment. The limitations and requirements contained herein are necessary in order to protect against exposure to contaminated groundwater that may be present on the property as a result of historical manufacturing activities at the Property. Under 35 Ill. Adm. Code 742, the use of risk-based, site-specific remediation objectives may require the use of an ELUC on real property, and the ELUC may apply to certain physical features.

WHEREAS, Property Owner intends to request risk-based, site specific groundwater remediation objectives from IEPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of the site, identified by Bureau of Land LPC number 1110905002, utilizing an ELUC.

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully set forth herein, and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the real estate, situated in the County of McHenry, State of Illinois, and further described in Exhibit A attached hereto and incorporated herein by reference (the "Property").

Attached as Exhibit B is a site map that shows the legal boundary of the Property, any physical features to which the ELUC applies, the horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives for groundwater, and the

34.00

nature, location of the source, and direction of movement of the contaminants of concern, as required under 35 Ill. Adm. Code 742. A more complete description of the legal boundaries and a survey map is presented in Exhibit C.

Section Two. Property Owner represents and warrants it is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder or Registrar of Titles in McHenry County, Illinois.

Section Three. The Property Owner hereby agrees, for itself, and its grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that the groundwater under the Property shall not be used as a potable supply of water, and any contaminated groundwater that is removed, excavated, or disturbed from the Property described in Exhibit A herein must be handled in accordance with all applicable laws and regulations.

Section Four. This ELUC is binding on the Property Owner, its grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; until the IEPA, upon written request, issues a new no further remediation determination approving modification or removal of the limitation or requirement; and until a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

Section Five. Information regarding the remediation performed on the Property may be obtained from the IEPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the IEPA with the identification number listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

WITNESS the following signature:

Aubrey Manufacturing, Inc.

By: *Kevin W. Donnelly*

Title: Vice President

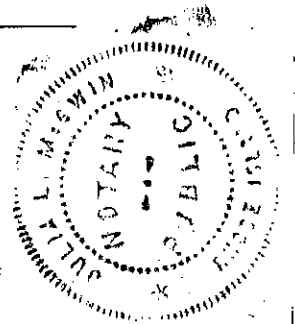
Date: 2-18-2005

STATE OF RI )  
 ) SS:  
COUNTY OF PROVIDENCE

I, Julia L. McGWIN the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that Kevin W. Donnelly, personally known to me to be the Vice President of the Property Owner, and personally known to me to be the same persons whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that in said capacities he signed and delivered the said instrument as a free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 18<sup>th</sup> day of February, 2005.

*Julia L. McGwin*  
Notary Public



mail to:

Lynn Hanky  
SABW  
10 S. Dearborn  
Chicago IL 60603

**EXHIBIT A**

**LEGAL DESCRIPTION AND REAL ESTATE TAX INDEX OR PARCEL  
NUMBER AND DESCRIPTION OF ELUC BOUNDARIES**

## EXHIBIT A

### LEGAL DESCRIPTION AND REAL ESTATE TAX INDEX OR PARCEL (PIN) NUMBER (PURSUANT TO 742.1010(D)(2)) AND DESCRIPTION OF ELUC

The subject property is located in the Village of Union, McHenry County, State of Illinois, commonly known as 6709 South main Street, Union, Illinois 60180, and more particularly described as:

#### **Parcel 1      PIN #17-04-330-003**

Part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian, described as follows; Commencing at a point on the West boundary of Main Street as per the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1852 in Book 4 of Deeds, page 552, said point being 4 rods South of the South boundary of that tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed Records Book 103, page 380; thence West on a line parallel with the South boundary of said above described tract a distance of 198.00 feet to the West boundary of the above described tract extended South; thence South on a continuation of the West Boundary line of the above described tract, a distance of 233 feet to the PLACE OF BEGINNING: thence S89°11'27"E along a line parallel to said South boundary line (Basis of Bearings, Illinois State Plane Coordinate System East Zone, NAD83 (1997 Rev.)), a distance of 284.10 feet to a point on the East Line of the West half of the East Half of the Southwest Quarter of Section 4-43-6; thence S00°03'48"W along East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6 a distance of 75.00 feet to a point; thence N89°11'27"W along a line parallel to said South boundary line, a distance of 285.36 feet to a point; thence N01°01'30"E a distance of 75.00 feet to the PLACE OF BEGINNING, in Coral Township, McHenry County, Illinois. (Revised per Final Judgment Order of the Circuit Court of McHenry County, Illinois, on January 05, 2005, per Document No. 2005R0005289.)

#### **Parcel 4      PIN #17-04-330-009**

That part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of Main Street as per the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1852 in Book 4 of Deeds, page 552, said point being 4 rods South of the South boundary of that tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed Records Book 103, page 380; thence West on a line parallel with the South boundary of said above described tract 198.00 feet to the West boundary of the above described tract extended South to the PLACE OF BEGINNING: thence S89°11'27"E along said line parallel to said South boundary line (Basis of Bearings, Illinois State Plane Coordinate System East Zone, NAD83 (1997 Rev.)), a distance of 280.18 feet to a point on the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6; thence S00°03'48"W along the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6, a distance of 233.00 feet to a point; thence N89°11'27"W along a line parallel to said South

05-10-2911



boundary line, a distance of 284.10 feet to a point; thence N01°01'30"E a distance of 233.00 feet to the PLACE OF BEGINNING in Coral Township, McHenry County, Illinois. (Revised per Final Judgment Order of the Circuit Court of McHenry County, Illinois, on January 05, 2005, per Document No. 2005R0005289.)

**Parcel 7      PIN #17-04-330-010**

The North 5 Acres of the South 24 Acres of the West Half of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian in McHenry County, Illinois.

**Parcel 9      PIN #17-04-330-010**

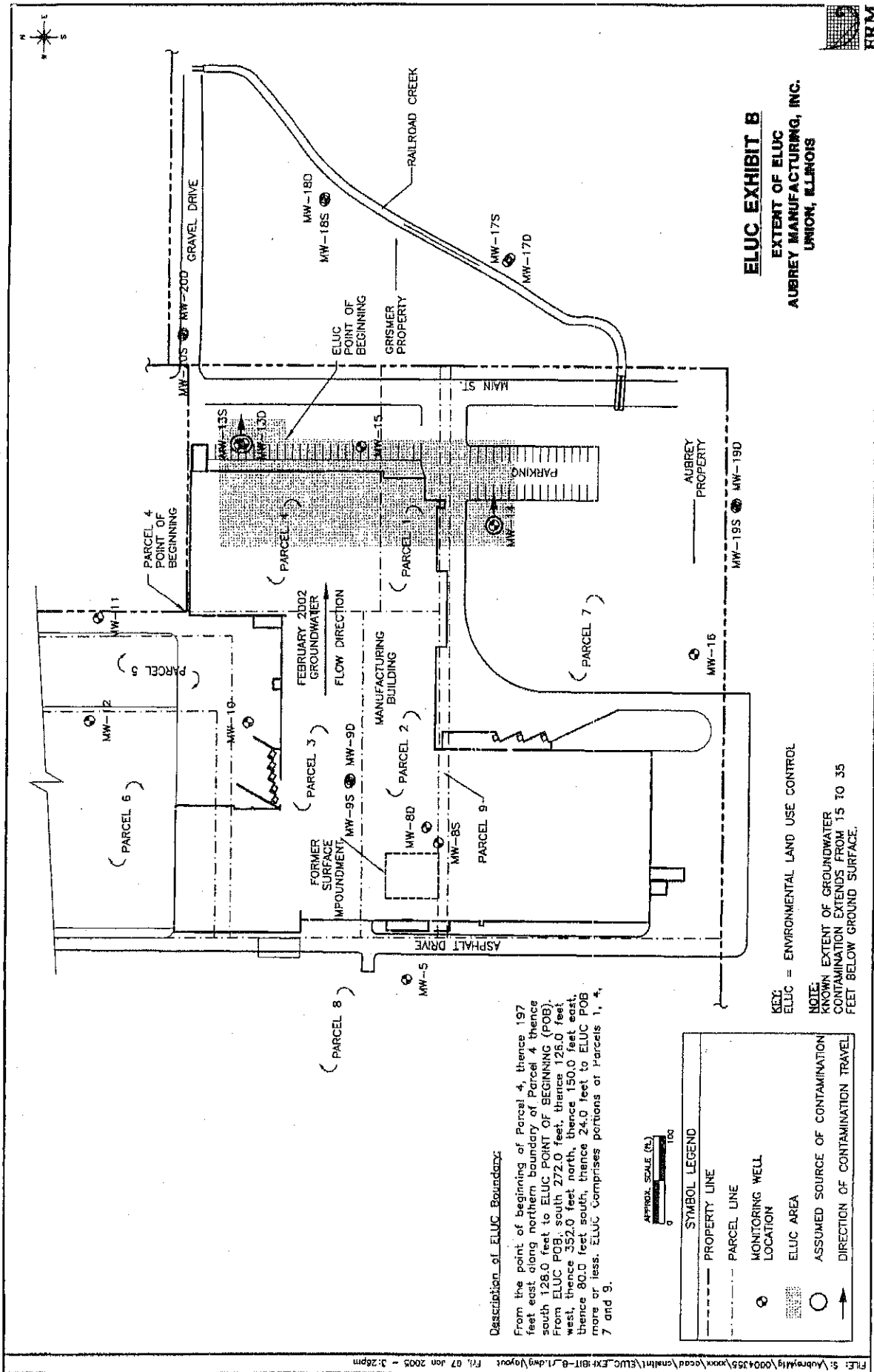
That part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of Main Street as per the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1852 in Book 4 of Deeds, page 552, said point being 4 rods South of the South boundary of that tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed Records Book 103, page 380; thence West on a line parallel with the South boundary of said above described tract 198.00 feet to the West boundary of the above described tract extended South; thence South on a continuation of the West Boundary line of the above described tract, a distance of 308.0 feet to the PLACE OF BEGINNING; thence S89°11'27"E along a line parallel to said South boundary line (Basis of Bearings, Illinois State Plane Coordinate System East Zone, NAD83 (1997 Rev.), a distance of 285.36 feet to a point on the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6; thence S00°03'48"W along the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6, a distance of 14.19 feet to a point; thence N89°43'05"W along the North line of the North 5.00 acres of the South 24.00 acres of the West Half of the East Half of the Southwest Quarter of the aforesaid Section 4, a distance of 665.82 feet; thence N00°01'37"E a distance of 20.33 feet along the West line of the East Half of the Southwest Quarter of Section 4-43-6; thence S89°11'27"E along a line parallel to said South boundary line, a distance of 380.53 feet to the PLACE OF BEGINNING, in Coral Township, McHenry County, Illinois. (Revised per Final Judgment Order of the Circuit Court of McHenry County, Illinois, on January 05, 2005, per Document No. 2005R0005289.)

**Description of ELUC Boundary:**

From the point of beginning of Parcel 4, thence 197 feet east along northern boundary of Parcel 4 thence south 128.0 feet to ELUC POINT OF BEGINNING (POB). From ELUC POB, south 272.0 feet, thence 126.0 feet west, thence 352.0 feet north, thence 150.0 feet east, thence 80.0 feet south, thence 24.0 feet to ELUC POB more or less. ELUC Comprises portions of Parcels 1, 4, 7 and 9.

**EXHIBIT B**  
**MAP SHOWING EXTENT OF ELUC**

05-10-2913



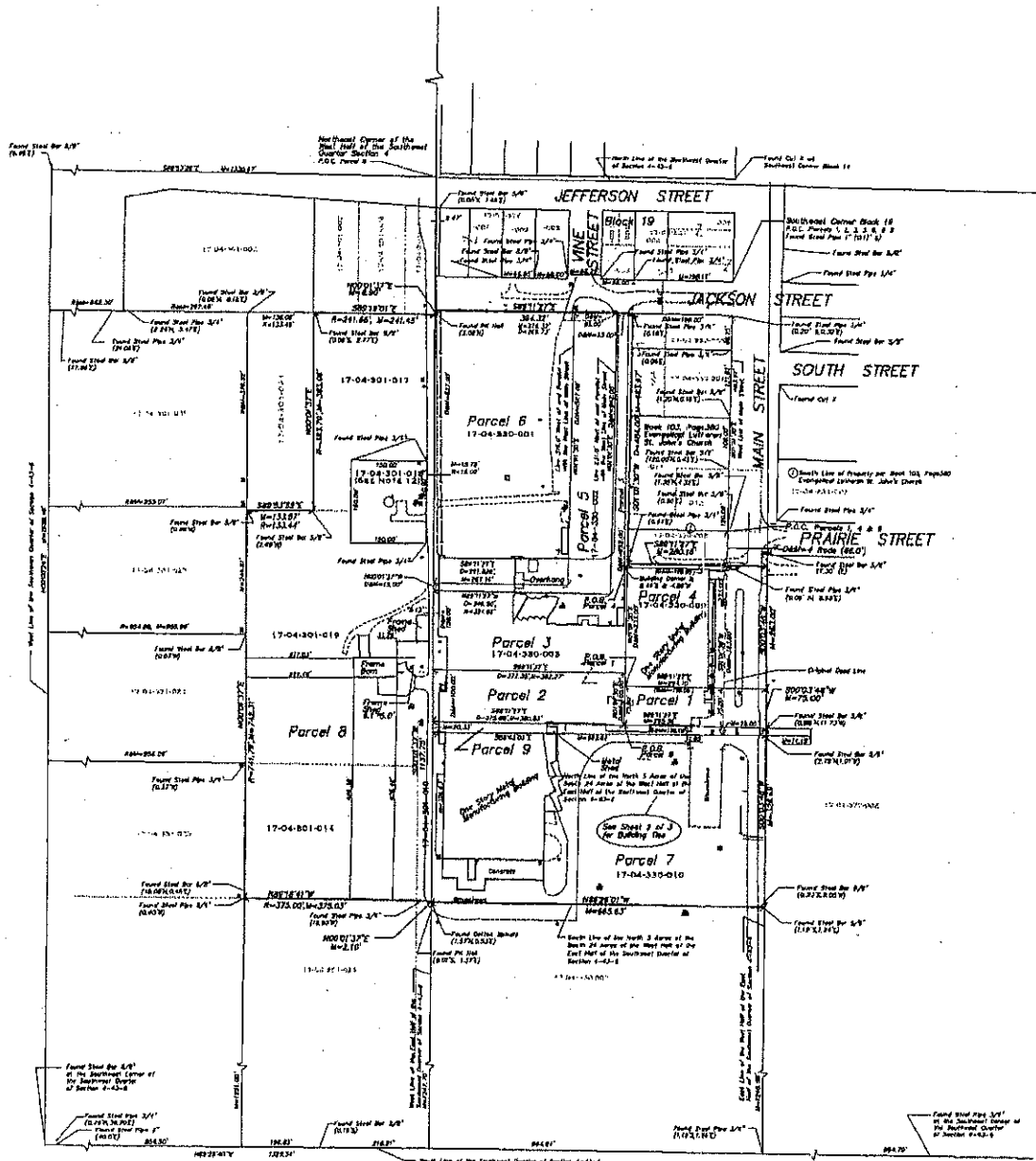
05-10-2914

**EXHIBIT C**  
**PROPERTY SURVEY MAP**

05-10-2915

# LAND TITLE SURVEY

GRAPH FILE: 000012-102100.dwg  
PLOT FILE: 010100.dwg  
JOB: 001



LEGEND	
●	SAFETY MARKER
○	STORM MANHOLE
○	CATCH BASIN
▽	FLARED END SECTION
*	WIRE POLE
Y	FIRE HYDRANT
—	BOX
□	CURB ALLEY
M	WATER VALVE
+	POWER POLE
□	POWER UTILITY RISE
□	PHONE UTILITY RISE
—	OVERHEAD WIRE
■	MONITORING WELL

PROJECT NOTES	
[Pattern]	INDICATES AREA OF CONCRETE SURFACE
[Pattern]	INDICATES AREA OF BITUMINOUS PAVEMENT
[Pattern]	INDICATES AREA OF ASPHALT
[Pattern]	INDICATES LIMITS OF BUILDING

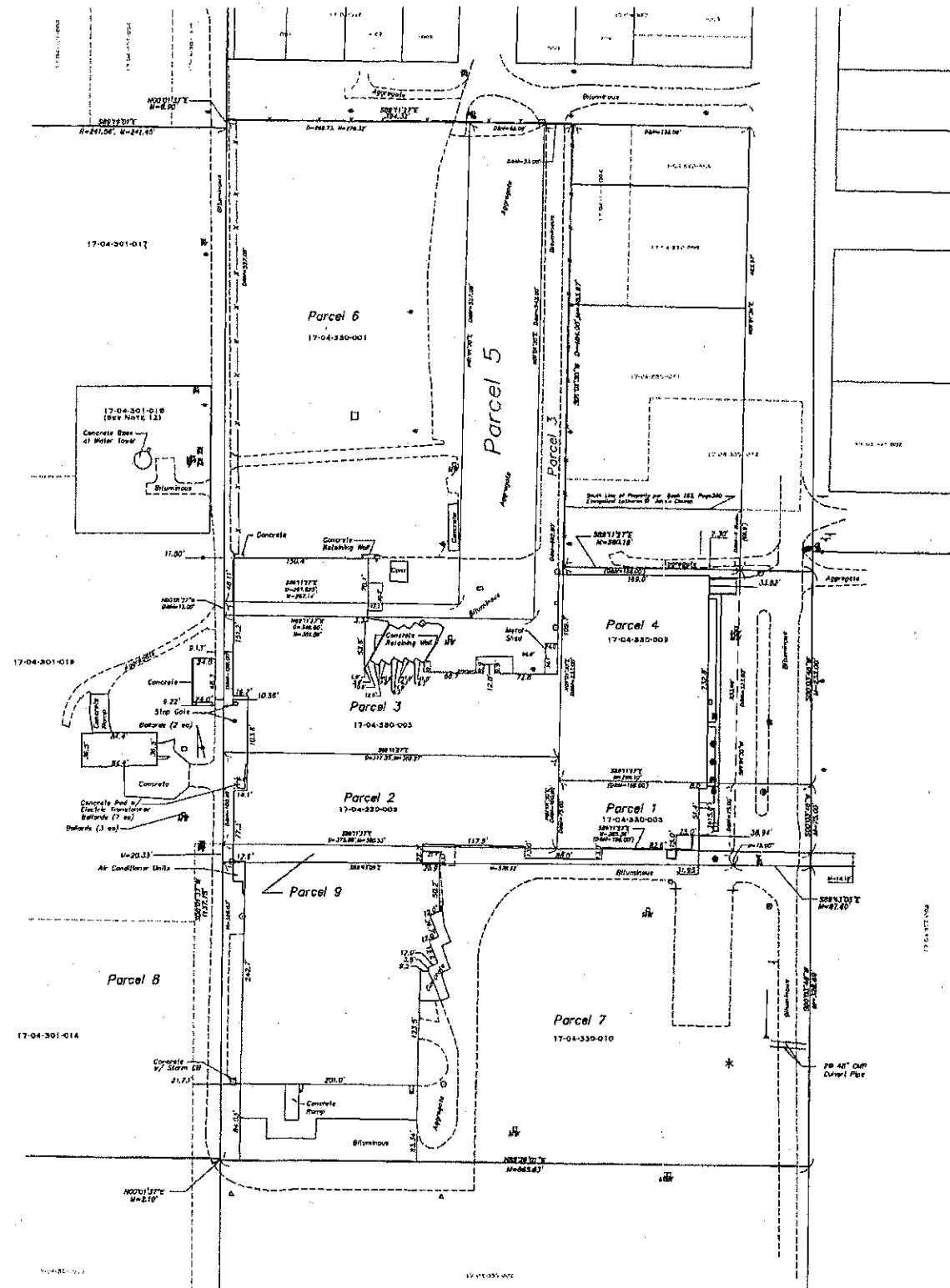
DATE: 06-12-2009  
DRAWN BY: JAC  
CHECKED BY: JAC  
SCALE: 1"=100' HORIZ. 1"=20' VERT.  
JOB NO.: 000012-102100  
FIELD DATE: 06-12-2009  
REVISIONS: 01-06-12-2009  
ALL DIMENSIONS SHOWN IN FEET AND DECIMAL FRACTIONS

Resection dated 01-04-10 made to re-survey survey to enclosements  
After Legal Description for Parcel 1, 4 & 9  
Basis of Bearings, Whole State Plane Coordinate System  
East Zone, NAD83 (1987 REF)

SEE SHEET 2 FOR DETAIL OF IMPROVEMENTS  
SEE SHEET 3 FOR LEGAL DESCRIPTIONS AND NOTES

05-10-2916

# LAND TITLE SURVEY



CURVE: As per Manufacturer's Data  
 DRAWN BY: SM CHECKED BY: SM  
 SCALE: AS SHOWN SEE: 1:500 N.E.  
 JOB NO.: 1000-000000-1  
 DATE: 08-18-2004  
 FIELD DATE COMPLETED: 08-18-2004  
 REVISIONS: 08-18-04/01-04-04  
 ALL DIMENSIONS SHOWN IN FEET AND DECIMAL PARTS THEREOF

Revisions Dated 01-04-05 made to revise Survey to incorporate  
 New Legal Descriptions for Parcel 1, 2, 3, 4, 5, 6, 7, 8, 9  
 Basis of Bearings, Whole State Plane Coordinate System  
 East Zone, NAD83 (1987 REV)

SEE SHEET 1 FOR OVERALL BOUNDARY  
 SEE SHEET 3 FOR LEGAL DESCRIPTIONS AND NOTES

05-10-2917





*Phyllis K. Walters*  
*McHenry County Recorder*

## CERTIFICATION

I, Phyllis K. Walters, Recorder for the County of McHenry, State of Illinois, does hereby certify this to be a true and correct copy of Document Number 2005R0014452 recorded February 25<sup>th</sup> 2005 in my office. In witness whereof, I have set my hand and affixed the seal of my office.

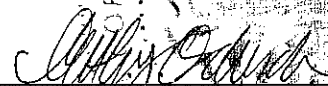
DATE: MARCH 10<sup>TH</sup> , 2005

*Phyllis K. Walters*  
*McHenry County Recorder*

RECEIVED

MAR 14 2005

IEPA - BOL  
PERMIT SECTION

by   
Clerk, Recorder's Office



Located at: 667 Ware Rd, Woodstock, IL  
Mailing Address:  
2200 N. Seminary Avenue, Room 109  
Woodstock, IL 60098  
815-334-4110 fax 815-338-9612



③  
PS  
⑬

MCHEENRY COUNTY RECORDER  
PHYLLIS K. WALTERS

2005R0014452

Prepared By:

02/25/2005 11:00AM

MY

Lynn Hanley  
Sidley Austin Brown & Wood LLP  
10 S. Dearborn Street  
Chicago, IL 60603

PAGES 13

RECORDING FEE 35.00  
COUNTY STAMP FEE  
STATE STAMP FEE

When Recorded Return To:

Tom Schmitt  
Schmitt & Filler  
3901 N. Route 23  
P.O. Box 115  
Marengo, IL 60152-0015

### Highway Authority Agreement

This Agreement ("Agreement") is entered into this 15th day of February, 2005 pursuant to 35 Ill. Admin. Code Section 742.1020 by and between Aubrey Manufacturing, Inc. ("Owner") and the Village of Union, Illinois ("Village"), as follows:

1. This Agreement is not binding upon the Village until it is executed by the undersigned representatives of the Village, and prior to execution this Agreement constitutes an offer by Owner.

2.a. Owner is pursuing a corrective action of a Site and of the right-of-way adjacent to the boundary of the Site located at 6709 South Main Street, Union, Illinois 60180 (the "Site").

2.b. Attached as Exhibit A are site maps prepared by Owner which show the area of estimated contaminant impacted groundwater at the time of this Agreement in the right-of-way above applicable remediation objectives under 35 Ill. Admin. Code Part 742. Also shown in Exhibit A are tables prepared by Owner showing the concentration of contaminants of concern, hereafter "Contaminants," in groundwater within the Site and which shows the applicable remediation objectives for groundwater of the Illinois Pollution Control Board ("IPCB") which are exceeded along the boundary of the Site adjacent to the Right-of-Way. The right-of-way, and only the right-of-way, as described in Exhibit A, hereinafter the "Right-of-Way," adjacent to the site is subject to this Agreement. As the drawings in the Exhibits are not surveyed plats, the boundary of the Right-of-Way in the Exhibits may be an approximation of the actual right-of-way lines. The Right-of-Way is impractical to sample for Contaminants; however, the parties believe that the area of the Right-of-Way is adequate to encompass groundwater within the Right-of-Way possibly impacted with Contaminants from a release at the Site.

35.00

2.c. Owner intends to request risk-based, site specific groundwater remediation objectives from the Illinois Environmental Protection Agency ("IEPA") under 35 Ill. Admin. Code Part 742.

2.d. Under these rules, use of risk-based, site specific remediation objectives in the Right-of-Way may require the use of a Highway Authority Agreement as defined in 35 Ill. Admin. Code Section 742.1020.

2.e. Owner investigated and remediated impacted soil at the Site with concentrations of contaminants above the applicable closure performance standards of 35 Ill. Admin. Code Part 725.211, 725.214, and 725.328 (a), and in a September 8, 1993 letter the IEPA informed the Owner that no further soil remediation was necessary. As such, the right-of-way does not contain contaminant impacted soil above applicable remediation objectives, and the use of a Highway Authority Agreement as defined in 35 Ill. Admin. Code Section 742.1020 is not required for the soil in the right-of-way.

3. The Village holds a fee simple interest or a dedication for highway purposes in the Right-of-Way, or the Right-of-Way is a platted street, and has jurisdiction of the Right-of-Way. For purposes of this Agreement, "jurisdiction" means that the Village exercises access control over the use of groundwater beneath the Right-of-Way because it requires a permit for that access.

4.a. Under 35 Ill. Admin. Code Section 742.1020, this Agreement is intended to be an acceptable "Highway Authority Agreement" to IEPA, as the Village is willing to agree that it will not allow the use of groundwater under the Right-of-Way as a potable or other domestic supply of water.

4.b. The IEPA must review and approve this Agreement, and this Agreement shall be referenced in the IEPA's "No Further Remediation" letter.

4.c. This Agreement shall be null and void as a Highway Authority Agreement should the IEPA not approve it or should it not be referenced in the "No Further Remediation" determination, provided, however, that this Agreement shall be effective between the Owner and the Village immediately upon signature by their representatives.

5. The Village promises IEPA and the Owner that it will prohibit the use of groundwater under the Right-of-Way as a potable or other domestic supply of water.

6. Provided that the Village provides Owner with notice within thirty (30) working days of receiving a claim, and further provides Owner with an opportunity to defend such a claim, the Owner agrees to indemnify and hold harmless the Village, and other highway authorities, if any, maintaining the highway Right-of-Way by an agreement with the Village, and the Village's agents, contractors or employees for all obligations asserted against or costs incurred by them, including attorney's fees and court costs, associated in any way with the release of Contaminants from the Site or the Right-of-Way.

7. This Agreement shall be binding upon all successors in interest to the Owner and to the Village. A successor in interest of the Village would include a highway authority to which the Village would transfer jurisdiction of the highway.

8. Violation of the terms of this Agreement by Owner or its successors in interest may be grounds for avoidance of this Agreement as a Highway Authority Agreement. Violation of the terms of this Agreement by the Village will not void this Agreement, unless the IEPA has determined that the violation is grounds for voiding this Agreement as a Highway Authority Agreement and the Village has not cured the violation within such time as IEPA has granted to cure the violation.

9. This Agreement shall continue in effect from the date of this Agreement until the Right-of-Way is demonstrated to be suitable for unrestricted use and there is no longer a need for this Agreement as a Highway Authority Agreement, and the IEPA has, upon written request to the IEPA by the Owner and notice to the Village or by the Village and notice to Owner, amended the notice in the chain of title of the Site to reflect unencumbered future use of that highway Right-of-Way.

10. This Agreement does not limit the Village's ability to construct, reconstruct, improve, repair, maintain and operate a highway upon its property or to do anything in, on, or under the highway, or to allow others to use the highway Right-of-Way by permit. To that extent, the Village reserves the right and the right of those using its property under permit to remove contaminated groundwater above applicable remediation objectives from its Right-of-Way and to handle and dispose of them as they deem appropriate not inconsistent with applicable environmental regulations so as to avoid causing a further release of the Contaminants and to protect human health and the environment. Prior to taking any such action, the Village will first give Owner thirty (30) days written notice, unless there is an immediate threat to the health or safety to any individual or to the public, that it intends to perform a site investigation in the Right-of-Way and remove or dispose of contaminated groundwater to the extent necessary for its work. Failure to give notice is not a violation of this Agreement. The removal or disposal shall be based upon the site investigation (which may be modified by field conditions during excavation), which Owner may review or may perform, if requested to do so by the Village. If practicable, as determined by the Village, the Village may request Owner to remove and dispose of the contaminated groundwater necessary for the Village's work in advance of that work. The Owner shall reimburse the reasonable costs incurred by the Village to perform the site investigation and to dispose of any contaminated groundwater, provided, however, that if notice to Owner has not been given and there was no immediate threat to health or safety, reimbursement for those costs shall be limited to \$10,000.00. There is a rebuttable presumption that the Contaminants found in the highway Right-of-Way arose from the release of Contaminants from the Site. Should Owner not reimburse the reasonable costs under the conditions set forth herein, this Agreement shall be null and void, at the Village's option, upon written notice to Owner by the Village that those costs have not been reimbursed. Owner may cure that problem within forty-five (45) working days by making payment or may seek to enjoin that result.

11. Written notice required by this Agreement shall be mailed to the following:

If to Owner:

Thomas J. Kucera  
Aubrey Manufacturing, Inc.  
6709 South Main Street  
Union, Illinois 60180

If to Village:

President  
Village of Union  
17703 O'Cock Road  
Union, IL 60180

12. The Village's sole responsibility under this Agreement with respect to others using the highway Right-of-Way under permit from the Village is to include the following, or similar language, in the future standard permit provisions and to make an effort to notify its current permit holders of the following:

As a condition of this permit, the permittee shall request the Permit Office to identify sites in the Right-of-Way where access to contaminated groundwater is governed by this Agreement or other similar agreements. The permittee shall take measures before, during and after any access to these sites to protect worker safety and human health and the environment. Any groundwater removed from the area must be managed in accordance with all environmental laws.

Provided that the Village provides owner of notice within thirty (30) working days of receiving a claim and further provides Owner with an opportunity to defend such a claim, Owner hereby releases the Village from liability for breach of paragraph 5 of this Agreement by others under permit and indemnifies the Village against claims that may arise from others under permit causing a breach of paragraph 5 of this Agreement. Owner agrees that its personnel, if any, at the Site who are aware of this Agreement will notify anyone they know is excavating in the Right-of-Way about this Agreement.

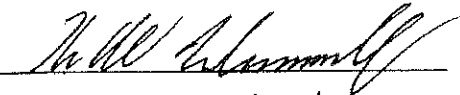
13. Should the Village breach this Agreement, Owner's sole remedy is for an action for injunction to restore the status quo as contemplated by this Agreement. Otherwise, no breach by the Village, its agents, contractors, employees and its successors in interest of a provision of this Agreement is actionable in either law or equity by Owner against the Village or them and Owner hereby releases the Village, its agents, contractors, employees and its successors in interest for any cause of action it may have against them, other than as allowed in this paragraph, arising under this Agreement or environmental laws, regulations or common law governing the contaminated groundwater in the highway Right-of-Way. Should the Village convey, vacate or transfer jurisdiction of that highway Right-of-Way, Owner may pursue an action under this Agreement against the successors in interest, other than a State agency, and Owner's sole remedy is for an action for injunction to restore the status quo as contemplated by this Agreement.

14. This Agreement is entered into by the Village in recognition of laws passed by the General Assembly and regulations adopted by the Pollution Control Board which encourage a tiered-approach to remediating environmental contamination. This Agreement is entered into by the Village in the spirit of those laws and under its right and obligations as a highway authority. Should any provisions of this Agreement be struck down as beyond the authority of the Village, however, this Agreement shall be null and void.

15. This Agreement may be executed in several counterparts, each of which when taken together shall be deemed an original; further signature of the parties hereto on the Agreement may be executed and notarized on separate pages, and when attached to this Agreement shall constitute one complete document.

IN WITNESS WHEREOF, Owner has caused this Agreement to be signed by its duly authorized representative.

Aubrey Manufacturing, Inc.

BY: 

(Title): Vice President

DATE: 2-18-05

IN WITNESS WHEREOF, the Village has caused this Agreement to be signed by its duly authorized representatives:

Village of Union, Illinois

BY: \_\_\_\_\_

(Title): \_\_\_\_\_

DATE: \_\_\_\_\_

05-10-2925

STATE OF RI )  
 )SS  
COUNTY OF Providence )

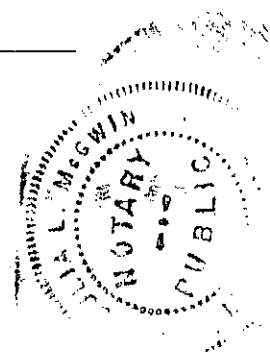
I, Julia L. McGWIN, a Notary Public in and for the County and State aforesaid,  
DO HEREBY CERTIFY that Kevin W. Donnelly, personally known to me to be the  
Vice President of Aubrey Manufacturing, Inc., a Delaware corporation, and  
personally known to me to be the same person whose name is subscribed to the foregoing  
instrument, appeared before me this day in person and acknowledged that as such  
Vice President, (s)he signed and delivered such instrument, as his/her free and voluntary  
act and deed, and as the free and voluntary act and deed of such corporation, for the uses and  
purposes therein set forth.

Given under my hand and official seal this 18<sup>th</sup> day of February, 2005.

Julia L. McGwin  
Notary Public

My Commission Expires:

11-19-2005



IN WITNESS WHEREOF, the Village has caused this Agreement to be signed by its duly authorized representatives.

VILLAGE OF UNION

BY: Robert Wagner  
Robert Wagner, President

ATTEST:

Phyllis Schauer  
Phyllis Schauer, Village Clerk

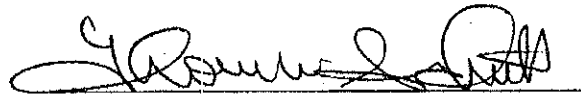
05-10-2927

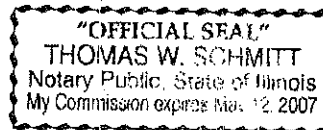


STATE OF ILLINOIS     )  
                              ) SS.  
COUNTY OF MCHENRY    )

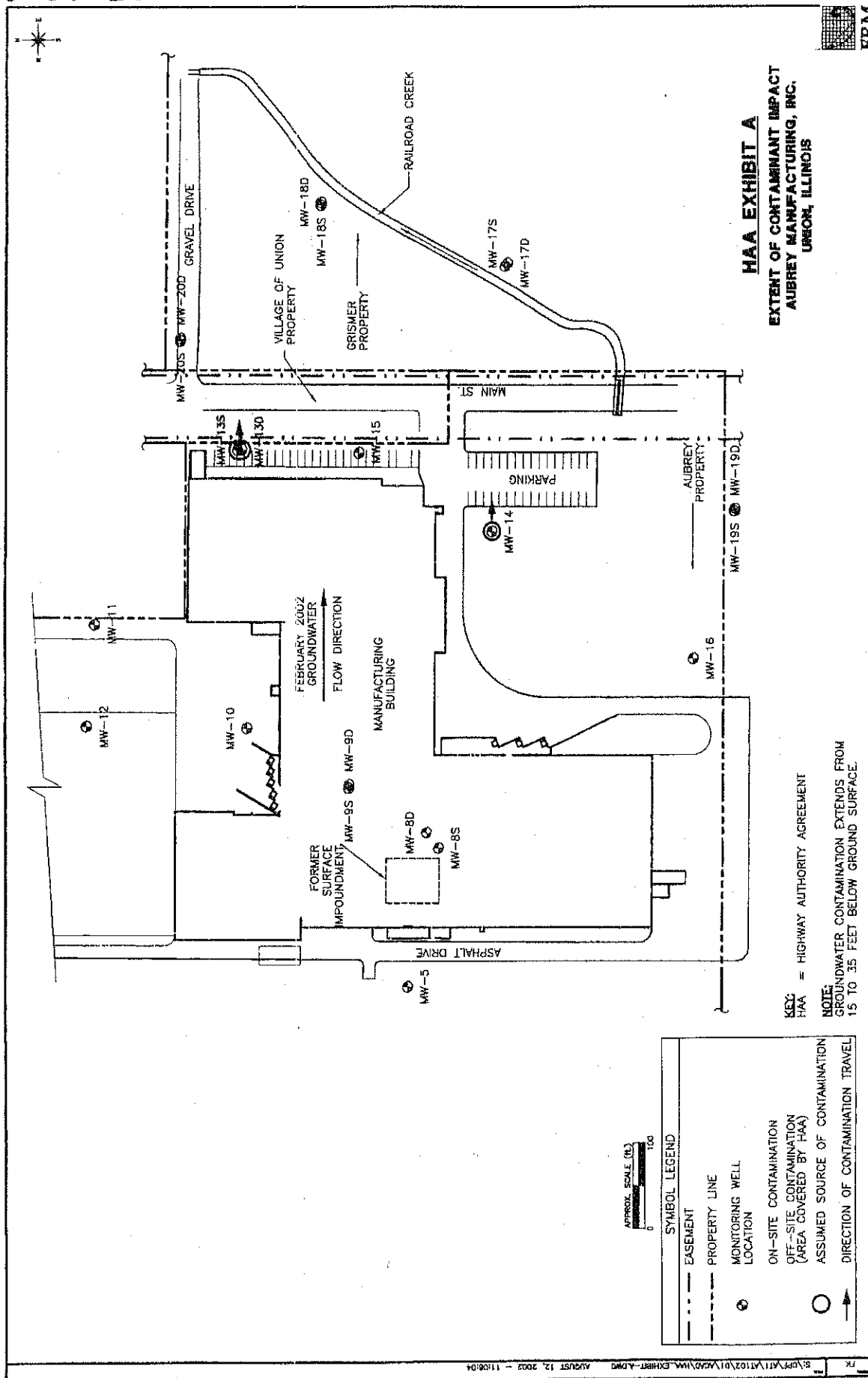
I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY THAT Robert Wagner, President of the Village of Union, and Phyllis Schauer, Village Clerk of the Village of Union, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Village Clerk, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said Village, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 16<sup>th</sup> day of FEBRUARY, 2005.

  
Notary Public



05-10-2928



## EXHIBIT A

VOCs AND DISSOLVED NICKEL IN GROUNDWATER - LOWER WATER-BEARING INTERVAL<sup>1,2</sup>  
 FIRST QUARTER 2000 THROUGH FIRST QUARTER 2002  
 AUBREY MANUFACTURING, INC.  
 UNION, ILLINOIS  
 (Page 1 of 2)

	Ground Water Standard	Sampling Event											
		First Quarter 2000 (March, 2000)						Third Quarter 2000 (August, 2000)					
		MW-9D	MW-10	MW-13D	MW-13DD	MW-14	MW-18D	MW-9D	MW-10	MW-13D <sup>4</sup>	MW-14	MW-14D <sup>4</sup>	MW-18D
Organic Parameters:	20,000	2	U	10	U	35.5	2	U	NA	NA	NA	NA	NA
	1,1-Dichloroethane												
	cis-1,2-Dichloroethene	2.93	2	U	318	328	7	U	2	U	6.16	2	U
	trans-1,2-Dichloroethene	500	2	U	10	U	2	U	2	U	2	U	U
	1,1,1-Trichloroethane	1,000	2	U	10	U	19.7	U	2	U	48.5	2	U
	Vinyl chloride	10	3.46	2	U	56.1	77.3	2	U	2	U	2	U
Dissolved Inorganic Parameters:	25	2.09	2	U	104	151	46.2	U	2	U	103	102	2
	Trichloroethylene												
Nickel	2,000	40.8	50	U	37.4	30	U	30	U	NA	50	U	50

## Notes:

<sup>1</sup> All concentrations are in ug/L; only detected constituents are shown.

<sup>2</sup> See Figure 1 for monitoring well locations.

<sup>3</sup> Ground water standards are based on 33 IAC 620.420, except for the standards provided by the IEPA for 1,1-Dichloroethane.

<sup>4</sup> Duplicate sample obtained from monitoring well.

## Key:

NA = Not analyzed.

U = Compound was not detected.

Single-boxed values exceed the Class II ground water standard.

## EXHIBIT A

VOCs AND DISSOLVED NICKEL IN GROUNDWATER - LOWER WATER-BEARING INTERVAL<sup>1,2</sup>  
 FIRST QUARTER 2000 THROUGH FIRST QUARTER 2002  
 AUBREY MANUFACTURING, INC.  
 UNION, ILLINOIS  
 (Page 2 of 2)

	Ground Water Standard <sup>3</sup>	Sampling Event <sup>2</sup>																		
		First Quarter 2001 (February, 2001)						First Quarter 2002 (February, 2002)												
		Class II	MW-9D	MW-10	MW-13D	MW-14	MW-18D	MW-10	MW-10 DUP	MW-13D	MW-14	MW-18D	MW-20D							
Parameters	Organic Parameters: 1,1-Dichloroethane cis-1,2-Dichloroethene trans-1,2-Dichloroethene 1,1,1-Trichloroethane Vinyl chloride Trichloroethylene		5	5	U	42.9		5	U	5	U	0.5	U	0.5	U	0.5	U			
		20,000	5	5	U	724		6.05	5	U	5	U	0.5	U	0.5	U	0.5	U		
		500	5	5	U	9.99		5	U	5	U	0.5	U	0.5	U	0.5	U	0.5	U	
		1,000	5	5	U	5		24.4	5	U	5	U	0.5	U	0.5	U	0.5	U	1.94	
		10	3.05	0.214	U	120		0.71	0.214	U	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
		25	1.46	0.5	U	286		71.7	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
	Dissolved Inorganic Parameters: Nickel	2,000	50	U	50	U	50	U	50	U	50	U	50	U	50	U	50	U	50	U

## Notes:

- <sup>1</sup> All concentrations are in ug/l; only detected constituents are shown.  
<sup>2</sup> See Figure 1 for monitoring well locations.  
<sup>3</sup> Ground water standards are based on 35 IAC 620.420, except for the standards provided by the IEPA for 1,1-Dichloroethane.  
<sup>4</sup> Duplicate sample obtained from monitoring well.

## Key:

NA = Not analyzed.  
 U = Compound was not detected.  
 Single-boxed values exceed the Class II ground water standard.

### **Legal Description**

A 60.0' road dedication more particularly described in the Plat of Dedication, instrument number \_\_\_\_\_, recorded on \_\_\_\_\_ in the Recorder's Office of McHenry County.

05-10-2932

Submittal 2

# Closure Tracking Sheet

JEM  
DSK

6/20/2005

<u>Log #</u> 686-M-20	<u>City:</u> UNION	<u>County:</u> MCHENRY	<u>Comments Due:</u> 7/20/2005		
<u>Facility:</u> AUBREY MANUFACTURING INC			<u>Notifications:</u> <input checked="" type="checkbox"/> FOS <input checked="" type="checkbox"/> CMS <input type="checkbox"/> RPMS		
<u>State ID#:</u> 1110905002	<u>Reviewer:</u> BAI	<u>GAU:</u> DSK			
<u>USEPA ID#:</u> ILD005238159	<u>Status:</u> A	<u>Type:</u>			
<u>Received</u> 6/15/2005	<u>Due 90:</u> 9/13/2005	<u>Mailed:</u>	<u>Received 2</u>	<u>Mailed 2:</u>	<u>Due 60:</u>
<u>App/Rei:</u>		<u>Cert Due:</u>	<u>Cert Received</u>	<u>Closed:</u>	
<u>G/T Status:</u>	<u>Unit Closed</u>			<u>Clean Close</u>	

Comments:

Process:      Amount:      Unit of Measure      Add/Del:

I imagine that Scott will be taking the lead  
on this  
→ please make sure we identify next steps  
+ what they still need to do to  
complete closure

JEM  
6/20

C-686-M-20

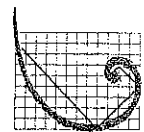
XL

Environmental  
Resources  
Management

700 W. Virginia Street  
Suite 601  
Milwaukee, WI 53204  
(414) 289-9505  
(414) 289-9552 (fax)

June 14, 2005

Joyce Munie, P.E.  
Illinois Environmental Protection Agency  
Bureau of Land - #33, Permit Section  
1021 North Grand Avenue East  
Springfield, IL 62794-9276



RE: 1110905002 - McHenry County  
Aubrey Manufacturing, Inc.  
ILD005238159  
RCRA Closure

Dear Ms. Munie:

Enclosed please find certified true copies of the Environmental Land Use Control (ELUC) and the Highway Authority Agreement (HAA) for the Aubrey Manufacturing, Inc. (Aubrey) facility and adjacent highway property located in Union, McHenry County, Illinois. Environmental Resources Management, Inc. (ERM) is submitting these documents, on behalf of Aubrey, to address the final closure requirements presented in the January 10, 2003 letter from you to Karl Adrian at Aubrey.

Should you have any questions regarding these documents, please do not hesitate to contact me at (414) 289-9505.

Sincerely,

David C. Dusing, P.E.  
Principal

RECEIVED

JUN 15 2005

IEPA-BOL  
PERMIT SECTION



**enclosures:**

*Illinois EPA Form LPC-PA18 – Original and two copies*

*Environmental Land Use Control (ELUC) – Certified copy and two photocopies*

*Highway Authority Agreement (HAA) – Certified copy and two photocopies*

**Cc:**

Kevin W. Donnelly, Nortek, Inc.  
Andrew W. Prete, Nortek, Inc.  
Michael A. Mendes, Nortek, Inc.  
Thomas J. Kucera, Aubrey Manufacturing, Inc.  
Dennis L. Studley, Aubrey Manufacturing, Inc.  
Paul S. Lim, Sidley Austin Brown & Wood  
Dennis Reis, Dennis Reis LLC



Illinois  
Environmental  
Protection Agency

Bureau of Land  
1021 North Grand Avenue East  
Box 19276  
Springfield, IL 62794-9276

**RCRA INTERIM STATUS CLOSURE AND POST-CLOSURE  
CARE PLANS GENERAL FORM  
LPC-PA18**

THIS FORM MUST ACCOMPANY ANY RCRA INTERIM-STATUS CLOSURE AND/OR POST-CLOSURE CARE PLANS OR MODIFICATION REQUEST SUBMITTED TO THE DIVISION OF LAND POLLUTION CONTROL. THE ORIGINAL AND TWO COPIES OF ALL DOCUMENTS SUBMITTED MUST BE PROVIDED.

**FACILITY IDENTIFICATION** (Information about the facility where the units are located which are addressed in this closure plan submittal)

Name: Aubrey Manufacturing, Inc.

County: McHenry

Street Address: 6709 S. Main Street

Site # (IEPA): 110905002

City: Union

Site No. (USEPA): ILD005238159

**OWNER INFORMATION**

Name: Aubrey Manufacturing, Inc.

Aubrey Manufacturing, Inc.

Mailing

Address: 6709 S. Main Street

6709 S. Main Street

Union, IL 60180

Union, IL 60180

**OPERATOR INFORMATION**

Contact Name: Thomas J. Kucera

Thomas J. Kucera

Contact Title: Engineering Manager

Engineering Manager

Phone #: (815) 923-2101 ext. 236

(815) 923-2101 ext. 236

**TYPE OF SUBMISSION** (check applicable item and provide requested information, as applicable)

☐ Original (New) Closure Plan

Log No. of Most Recent Agency

☐ Original (New) Post-Closure Plan

Approval/Disapproval Letter C-686-M-17-18

☐ Response to Disapproval letter

Date of Most Recent Agency

☐ Modification Request

Approval/Disapproval Letter 10 JAN 2003

☒ Additional Information for 01 / 10 / 03 Submittal (Log No. C-686-M-17-18 if known)

Does this submittal contain groundwater information:

Yes

No

No

**RECEIVED**

**JUN 15 2005**

**IEPA-BOL  
PERMIT SECTION**

(IF YES, PLEASE INCLUDE ONE ADDITIONAL COPY OF SUBMITTAL)

IL 532-2106  
LPC 464 Rev. 06/03

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

**DESCRIPTION OF SUBMITTAL:** (briefly describe what is being submitted)

Submittal of Environmental Land Use Control (ELUC) and Highway Authority Agreement (HAA) per IEPA letter dated January 10, 2003.

**LIST OF DOCUMENTS SUBMITTED** (identify all documents in this submittal, including the cover letter)

Cover Letter; This form (LPC-PA18); ELUC and HAA.

**UNITS UNDERGOING CLOSURE** (please identify what type of units are addressed in the plan, their capacities and whether they are on the RCRA Part A for the facility)

<u>Unit</u>	<u>Unit Code</u>	<u>Number of Units Closing</u>	<u>Capacity</u>	<u>On Part A (Y/N)</u>
<u>Storage:</u>				
Container (barrel, drum, etc.)	S01	_____	_____	_____
Tank	S02	_____	_____	_____
Waste Pile	S03	_____	_____	_____
Surface Impoundment	S04	_____	_____	_____
<u>Treatment:</u>				
Tank	T01	_____	_____	_____
Surface Impoundment	T02	<u>1</u>	<u>135000</u>	<u>N</u>
Incinerator	T03	_____	_____	_____
Other (explain)	T04	_____	_____	_____
<u>Disposal:</u>				
Landfill	D80	_____	_____	_____
Land Application	D81	_____	_____	_____
Surface Impoundment	D83	_____	_____	_____

**CERTIFICATION AND SIGNATURE** (Must be completed for all submittals. Certification and signature requirements are set forth in 35 IAC 702.126. Any submittal involving engineering plans, specifications and calculations as defined in the Illinois Professional Engineering Practice Act (225 ILCS 325) and 68 Ill. Adm. Code 1380 must be signed and certified by an Illinois licensed professional engineer.)

All closure plans, post-closure plans and modifications must be signed by the person representing the owner/operator designated below or by a duly authorized representative of that person:

1. If the owner/operator is a Corporation - By a principal executive officer of at least the level of vice-president.
2. If the owner/operator is a Partnership or Sole Proprietorship - By a general partner or the proprietor, respectively.
3. If the owner/operator is a Government - By either a principal executive officer or a ranking elected official.

A person is a duly authorized representative only if:

1. the authorization is made in writing by a person described above; and
2. is submitted with this application (a copy of a previously submitted authorization can be used).

CERTIFICATION STATEMENT - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner Signature: *Th W Lamm* 4-12-05  
(Date)

Title: VICE PRESIDENT & SECRETARY

Operator Signature: *Th W Lamm* 4-12-05  
(Date)

Title: VICE PRESIDENT & SECRETARY

Engineer Signature: *David C Dusing* 6-14-05  
(if necessary) (Date)

Engineer Name: David C. Dusing, P.E.

Engineer Seal:

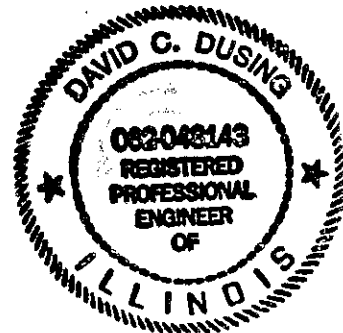
Engineer Address: Environmental Resources Management, Inc.

700 W. Virginia Street, Suite 601

Milwaukee, WI 53204

Engineer Phone No.: (414) 289-9505

JM:bjh\97763i.doc





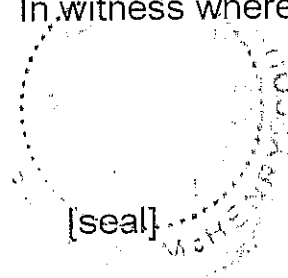
*Phyllis K. Walters*  
*McHenry County Recorder*

## CERTIFICATION

I, Phyllis K. Walters, Recorder for the County of McHenry, State of Illinois, do hereby certify this to be a true and correct copy of Document Number 2005R0036568 recorded May 11, 2005 in my office. In witness whereof, I have set my hand and affixed the seal of my office.

DATE June 8, 2005

*Phyllis K. Walters*  
*McHenry County Recorder*



by *Andrew Walters*  
Clerk, Recorder's Office

Located at: 667 Ware Road, Woodstock, IL  
Mailing Address:  
2200 N. Seminary Avenue, Room 109  
Woodstock, IL 60098  
815-334-4110 fax 815-338-9612

RECEIVED

JUN 15 2005

IEPA-BOL  
PERMIT SECTION

17  
1

24

MCHEMRY COUNTY RECORDER  
PHYLLIS K. WALTERS

2005R0036568

PREPARED BY:

Dennis Reis LLC  
7000 North Green Bay Avenue  
Milwaukee, WI 53202

05/11/2005 04:30PM

PAGES 24

RECORDING FEE 46.00  
COUNTY STAMP FEE  
STATE STAMP FEE

RETURN TO:

✓  
(mt)  
Paul Monson  
Sidley Austin Brown & Wood LLP  
10 S. Dearborn St.  
Chicago, IL 60603

### THE ABOVE SPACE FOR RECORDER'S OFFICE

#### Environmental Land Use Control

This **Environmental Land Use Control** ("ELUC"), is made this 12<sup>th</sup> day of April, 2005, by Aubrey Manufacturing, Inc. ("Property Owner"), owner of the real property located at the common address 6709 South Main Street, Union, Illinois 60180 ("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an ELUC as an institutional control in order to impose land use limitations or requirements related to environmental contamination so that persons conducting remediation can obtain a No Further Remediation determination from the Illinois Environmental Protection Agency ("Illinois EPA") under the conditions described in Exhibit A. The reason for an ELUC is to ensure protection of human health and the environment. The limitations and requirements contained herein are necessary in order to protect against exposure to contaminated groundwater that may be present on the property as a result of historical manufacturing activities at the Property. Under 35 Ill. Adm. Code 742, the use of risk-based, site-specific remediation objectives may require the use of an ELUC on real property, and the ELUC may apply to certain physical features.

WHEREAS, Property Owner intends to request risk-based, site specific groundwater remediation objectives from Illinois EPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of the site, identified by Bureau of Land LPC number 1110905002, utilizing an ELUC.

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully set forth herein, and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the real estate, situated in the County of McHenry, State of Illinois, and further described in Exhibits B, C, and D attached hereto and incorporated herein by reference (the "Property").

4600

Attached as Exhibit B is a site map that shows the legal boundary of the Property, any physical features to which the ELUC applies, the horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives for groundwater, and the nature, location of the source, and direction of movement of the contaminants of concern, as required under 35 Ill. Adm. Code 742. Attached as Exhibit C is a table showing the most recent concentrations of contaminants of concern in groundwater. A more complete description of the legal boundaries and a survey map is presented in Exhibit D.

Section Two. Property Owner represents and warrants it is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder or Registrar of Titles in McHenry County, Illinois.

Section Three. The Property Owner hereby agrees, for itself, and its grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that the groundwater under the Property shall not be used as a potable supply of water, and any contaminated groundwater that is removed, excavated, or disturbed from the Property described in Exhibit D herein must be handled in accordance with all applicable laws and regulations.

Section Four. This ELUC is binding on the Property Owner, its grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the Illinois EPA determines there is no longer a need for this ELUC as an institutional control; until the Illinois EPA, upon written request, issues a new no further remediation determination approving modification or removal of the limitation or requirement; and until a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

Section Five. Information regarding the remediation performed on the Property may be obtained from the Illinois EPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the Illinois EPA with the identification number listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

WITNESS the following signature:

Aubrey Manufacturing, Inc.

By: W. M. Hammett  
Title: VICE PRESIDENT, SECRETARY  
Date: 4/12/05

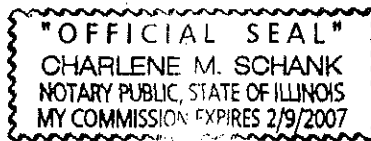


State of Illinois )  
County of Cook ) SS:

I, Charlene Schank the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that Kevin Donnelly, personally known to me to be a representative of the Property Owner, and personally known to me to be the same persons whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that in said capacities he signed and delivered the said instrument as a free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 12<sup>th</sup> day of April, 2005.

Charlene M. Schank  
Notary Public



**EXHIBIT A**

**JANUARY 10, 2003 LETTER FROM ILLINOIS EPA DESCRIBING  
CONDITIONS FOR RCRA CLOSURE  
AUBREY MANUFACTURING, INC.  
UNION, ILLINOIS**

05-24-9029



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

GEORGE H. RYAN, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/524-3300

January 10, 2003

CERTIFIED MAIL

7002 2030 0001 1873 3298

Karl Adrian  
Aubrey Manufacturing  
6709 South Main Street  
Union, Illinois 60180

Re: 1110905002 -- McHenry County  
Aubrey Manufacturing, Inc.  
ILD005238159  
Log No. C-686-M-17 and 18  
Received: September 9, 2002; September 16, 2002; October 22, 2002  
RCRA Closure

POOR QUALITY  
FOR IMAGING

Dear Mr. Adrian:

This is in response to September 6, 2002, September 13, 2002 and October 21, 2002 submittals made on your behalf by Mr. Dave Edwards, P.E. of ERM EnviroClean (ERM) regarding RCRA closure activities for a former surface impoundment at the above-referenced facility (located at 6709 South Main Street, Union, Illinois). A plan to complete closure of this unit was initially approved by Illinois EPA on February 24, 1993 several modifications to this plan have also been approved by Illinois EPA, the last on September 5, 2002. A substantial amount of investigative and remedial activities have been completed to date for the impoundment. "Clean closure" has been achieved for the soils in the vicinity of the surface impoundment (a drawing showing the location of this unit within the facility is attached); as indicated in the September 5, 2002 letter, certain groundwater issues still remain for the project.

Mr. Edwards' September submittal included a document entitled "Closure Plan Modification and Closure Completion Report, Aubrey Manufacturing, Inc., Union, Illinois" and was submitted in response to Condition 5 of the September 5, 2002 Illinois EPA letter to the facility. This submittal includes documentation of RCRA closure activities conducted to date for the former surface impoundment and a request to modify the approved final Closure Plan by proposing final RCRA closure of the site utilizing institutional controls to restrict groundwater use pursuant to 35 Ill. Adm. Code 742, Subpart J. The October submittal included a request to abandon three monitoring wells so that the facility may trade a portion of facility with an adjoining property. It also included proposed revisions to the Highway Authority Agreement (HAA) presented in the September submittal.

Mr. Karl Adrian  
C-686-M-17 and 18  
Page 2

Mr. Edwards' submittals were reviewed as requests to modify the approved closure plan for the former hazardous waste surface impoundment at Aubrey Manufacturing facility in Union, Illinois and is hereby approved subject to the following conditions and modifications:

1. Except as modified herein, closure activities for the subject surface impoundment must be carried out in accordance with Illinois EPA's previous closure plan approval letters for this project (Illinois EPA Log No. C-686 and associated modifications). As indicated above, Illinois EPA has previously determined that no further action is necessary for the soils at the surface impoundment.
2. The Illinois EPA has determined that the facility's proposal to clean close groundwater at the former surface impoundment T02 in accordance with 35 Ill. Adm. Code Part 742 can be approved. Therefore, the proposed ELUC and HAA for the Aubrey Manufacturing, Inc. Facility located at 6709 South Main Street, Union, Illinois, in McHenry County (PIN Nos. 17-04-330-003, 17-04-330-009, and 17-04-330-010) are hereby approved subject to the following conditions and modifications:
  - a. This letter shall constitute the Illinois EPA's no further action determination instrument for this project that must be filed with the ELUC and HAA approved herein, provided the terms and conditions of this letter are met.
  - b. The facility must include a summary of contaminant concentrations exceeding the appropriate 35 Ill. Adm. Code 742, Tier I, Class II GROs with the recorded ELUC. The requirements of this condition may be met by either:
    - i. Utilizing a map depicting the appropriate contaminant concentrations; or
    - ii. Utilizing a tabulated summary of contaminant concentrations at the appropriate monitoring well locations.
  - c. The final ELUC and HAA filed with the Office of the Recorder or Registrar of Titles for McHenry County must include a dated and notarized signature of the property owner.
3. The ELUC and HAA approved herein place the following restrictions on the subject property:
  - a. Groundwater in the portion of the Main Street right-of-way and the facility specified in Exhibits A and B, respectively, cannot be used in the future.

POOR QUALITY  
FOR IMAGING

05-24-9031

Mr. Karl Adrian  
C-686-M-17 and 18  
Page 3

4. Within forty-five days of the date of this letter, the ELUC and HAA approved herein must be fully executed, notarized and recorded in the chain of title for the subject property in the Office of the Recorder or Registrar of Titles for McHenry County. The approved ELUC and HAA will not become effective until properly recorded in the chain of custody for the subject property.
5. Within 30 days after filing the approved ELUC and HAA in accordance with Condition 4 above, a certified true copy of the filed ELUC and HAA, along with certification for the Office of the Recorder or Registrar of Titles for McHenry County that the ELUC and HAA were properly filed, must be submitted to Illinois EPA. Once the Illinois EPA receives this information and a final certification of closure it will be able to issue a final closure certification letter for this project.
6. Failure to comply with the limitations or requirements of an ELUC and HAA may result in avoidance of an Illinois EPA no further action determination in accordance with the program under which the determination was made. The failure to comply with the limitations or requirements of an ELUC and HAA may also be grounds for an enforcement action pursuant to Title VIII of the Illinois Environmental Protection Act.
7. The limitations or requirements of the ELUC and HAA apply in perpetuity until:
  - a. The Illinois EPA issues a new no further action determination approving modification or removal of the limitation/requirement; and
  - b. A release or modification of the land use limitation is filed on the chain of title for the property that is the subject of the ELUC and HAA.
8. At no time shall this site be used in a manner inconsistent with the land use limitations established in the approved ELUC and HAA, unless: (1) attainment of objectives appropriate for the new land use is achieved, and (2) a new no further action determination is obtained from Illinois EPA and subsequently recorded in accordance with 35 Ill. Adm. Code 742.
  - a. Requests to release or modify an ELUC and HAA must be formally requested in writing from Illinois EPA as a: (1) request to amend the certification of closure; or (2) a permit modification request. Sufficient information must be provided in these requests to demonstrate that the requested change meets all the requirements of 35 Ill. Adm. Code 742.
  - b. Any final approval by Illinois EPA of a request to release or modify an ELUC and/or HAA must be filed with the chain of title for the subject facility.

POOR QUALITY  
FOR IMAGING

05-24-9032

Mr. Karl Adrian  
C-686-M-17 and 18  
Page 4

9. In addition to the ELUC and HAA recording requirements outlined above, the facility must submit certification that plugging and abandonment of groundwater monitoring wells has been carried out in accordance with the approved procedures to the Illinois EPA at the address below within thirty (30) days of the date that the wells are plugged and abandoned.

Illinois Environmental Protection Agency  
Bureau of Land -- #33  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

10. In accordance with 35 Ill. Adm. Code 725.215, when closure of the surface impoundment is complete, a certification must be submitted to Illinois indicating that the impoundment has been closed in accordance with the approved closure plan. This certification must be completed by a representative of the owner/operator and an independent licensed professional engineer. The attached closure certification form must be used to make this certification.

As further required by 35 Ill. Adm. Code 725.215, this certification must be accompanied by a closure document report supporting the certification and demonstrating that the closure activities were carried out in accordance with Illinois EPA approved plans. This closure documentation report must contain the following information:

- a. A brief summary/discussion of the location of the facility and the overall activities carried out there. Scaled drawing depicting the site location and site layout (including the location of the former impoundment and plating area within the facility as well as the information required in this condition) must also be included in this summary/discussion;
- b. A chronological summary of all closure activities completed at the facility;
- c. A brief summary/discussion of all documents previously submitted to Illinois EPA regarding this project and all Illinois EPA correspondence regarding the project;
- d. A discussion of all waste and contaminated media removal efforts, including scaled drawings showing the horizontal and vertical extent of any soil removal effort;
- e. A scaled drawings showing the horizontal and vertical locations of all soil samples collected/analyzed to demonstrate that the soils remaining at the surface impoundment "meet the required remediation objectives."

POOR QUALITY  
FOR IMAGING

(per Jim Moore, Illinois EPA  
January 14, 2003)

05-24-9033

Mr. Karl Adrian  
C-686-M-17 and 18  
Page 5

- f. Scaled drawings showing the location of all wells installed as part of the closure effort;
- g. A tabular summary of all groundwater monitoring results obtained for the project;
- h. A detailed description of the procedures followed to demonstrate "clean closure" of the impoundment relative to groundwater;
- i. Photo-documentation of the closure activities.

It must be noted that one of the main reasons for the comprehensive nature of this report is to compile, in one document, all closure activities at this facility which have been completed over the past nine years. This document will not only be used at present to verify proper closure of the impoundment, but will also be a valuable resource in the future in determining the exact investigative/remedial activities completed to address the former surface impoundment.

- 11. Closure efforts at this facility must meet the requirements of 35 Ill. Adm. Code 725, Subpart G. Any variation to the closure activities approved by this letter shall be the subject of a request to modify the approved closure plan which is submitted to Illinois EPA for review and approval. Any such request must contain detailed information regarding the proposed modifications and the procedures which will be followed to complete closure of the unit(s). In addition, this request must contain information demonstrating that the proposed modifications meet the requirements of 35 Ill. Adm. Code 725, Subpart G. A revised schedule for completing the various tasks necessary to complete closure must be included in this request.

This letter shall constitute Illinois EPA's final decision on the subject submittal. Within 35 days after the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA, within the 35-day initial appeal period.

Work required by this letter, your submittal or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This letter does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them.

POOR QUALITY  
FOR IMAGING

05-24-9034

Mr. Karl Adrian  
C-686-M-17 and 18  
Page 6

The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

If you have any questions regarding the groundwater related aspects of this project, please contact Scott Kaufman at 217/785-6869. Questions regarding other aspects of this project should be directed to Jim Moore at 217/524-3295.

Sincerely,



Joyce L. Munz, P.E.  
Manager, Permit Section  
Bureau of Land

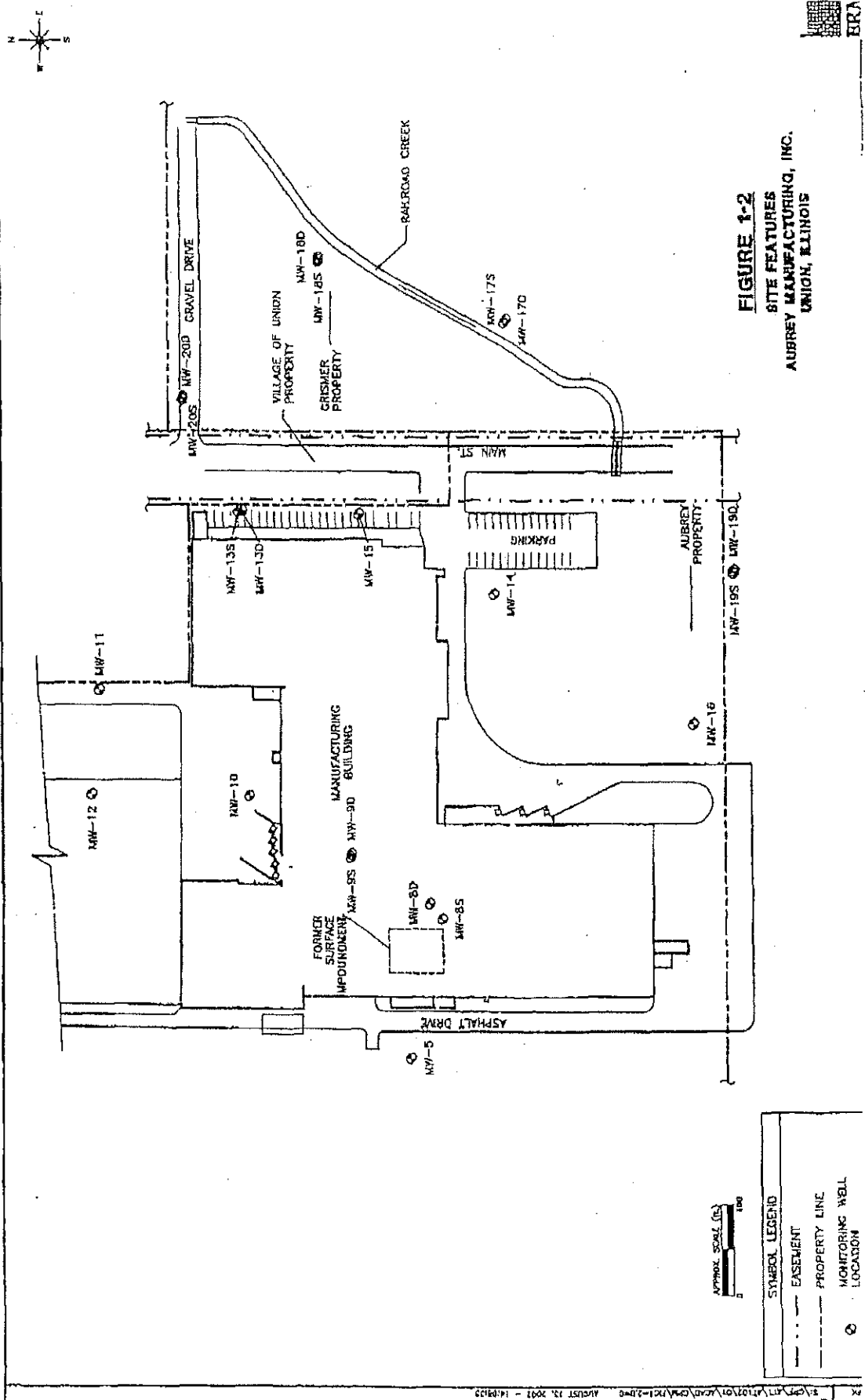
JLM:JKM\mils\020191s.doc  
JLM OSK-TBM

Attachments: Site Layout Map  
Closure Certification Statement

POOR QUALITY  
FOR IMAGING

05-24-9035





**FIGURE 1-2**  
**SITE FEATURES**  
**AUBREY MANUFACTURING, INC.**  
**UNION, ILLINOIS**

POOR QUALITY  
 FOR IMAGING

05-24-9036

## RCRA CLOSURE CERTIFICATION STATEMENT

Aubrey Manufacturing  
6709 South Main Street  
Union, Illinois  
Illinois EPA ID No. 1110905002  
Log No. C-686

(To meet the requirements of 35 Ill. Adm. Code 725.215, this statement must be completed by both a responsible officer of Aubrey Manufacturing (as defined in 35 Ill. Adm. Code 702.126) and by an independent licensed professional engineer upon completion of RCRA closure efforts at the facility).

The former hazardous waste surface impoundment at the Aubrey Manufacturing facility has been closed in accordance with the specifications in the approved closure plan. A report documenting that closure has been carried out in accordance with the approved plan is attached.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Signature of Owner/Operator      Date  
Responsible Officer

\_\_\_\_\_  
Name and Title of Owner/Operator  
Responsible Officer

\_\_\_\_\_  
Signature of Licensed P.E.      Date

\_\_\_\_\_  
Name of Licensed P.E. and Illinois License  
Number

Mailing Address of P.E.:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

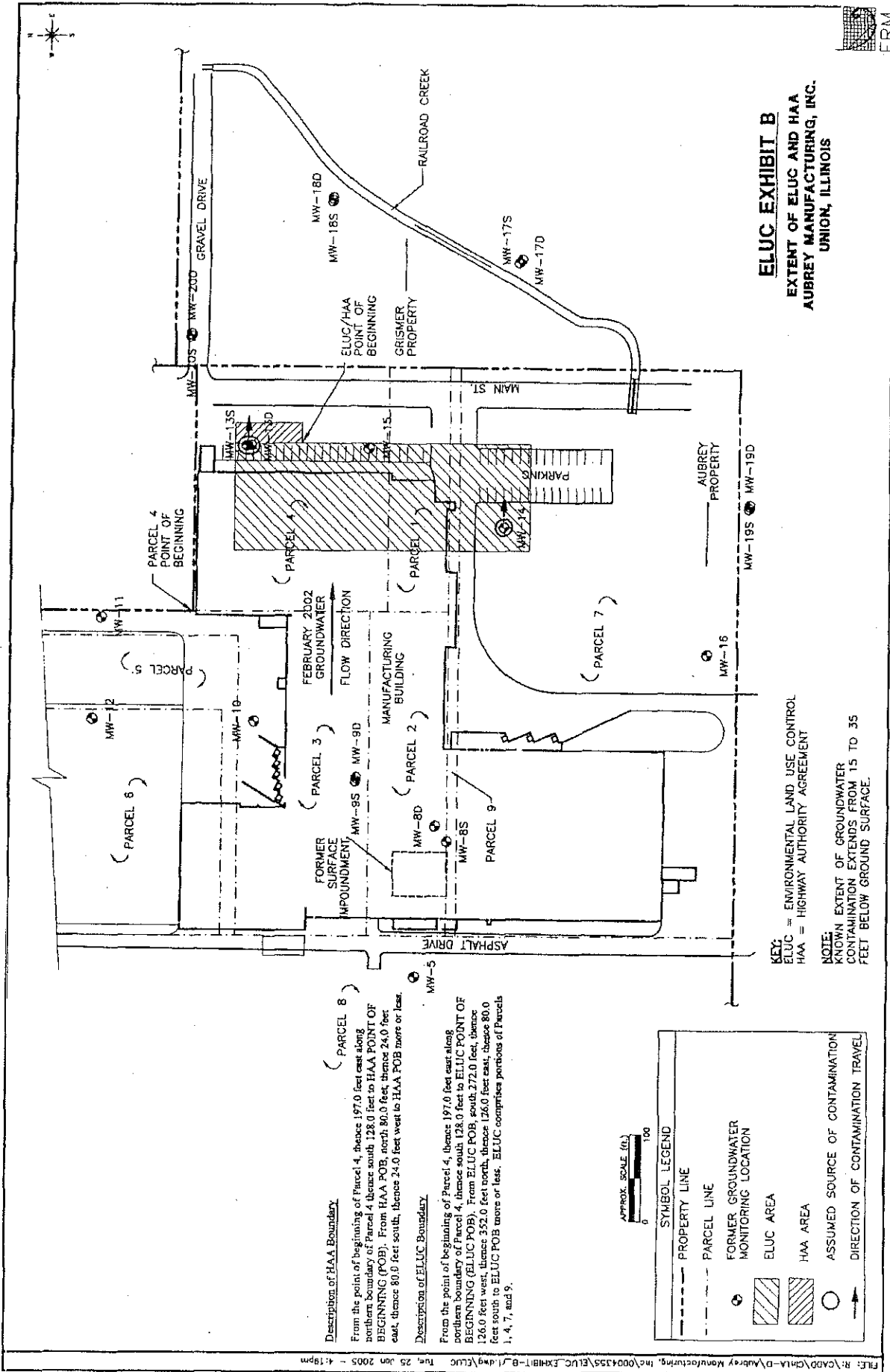
Licensed P.E.'s Seal:

POOR QUALITY  
FOR IMAGING

**EXHIBIT B**

**MAP SHOWING EXTENT OF ELUC  
AUBREY MANUFACTURING, INC.  
UNION, ILLINOIS**

05-24-9038



**ELUC EXHIBIT B**  
**EXTENT OF ELUC AND HAA**  
**AUBREY MANUFACTURING, INC.**  
**UNION, ILLINOIS**

**KEY:**  
 ELUC = ENVIRONMENTAL LAND USE CONTROL  
 HAA = HIGHWAY AUTHORITY AGREEMENT

**NOTE:**  
 KNOWN EXTENT OF GROUNDWATER  
 CONTAMINATION EXTENDS FROM 15 TO 35  
 FEET BELOW GROUND SURFACE.

**Description of HAA Boundary**  
 From the point of beginning of Parcel 4, thence 197.0 feet east along  
 northern boundary of Parcel 4 thence south 128.0 feet to HAA POINT OF  
 BEGINNING (POB). From HAA POB, north 80.0 feet, thence 24.0 feet  
 east, thence 80.0 feet south, thence 24.0 feet west to HAA POB more or less.

**Description of ELUC Boundary**  
 From the point of beginning of Parcel 4, thence 197.0 feet east along  
 southern boundary of Parcel 4, thence south 128.0 feet to ELUC POINT OF  
 BEGINNING (ELUC POB). From ELUC POB, south 272.0 feet, thence  
 126.0 feet west, thence 352.0 feet north, thence 126.0 feet east, thence 80.0  
 feet south to ELUC POB more or less. ELUC comprises portions of Parcels  
 1, 4, 7, and 9.

APPROX. SCALE (ft.)  
 0 100

SYMBOL LEGEND	
---	PROPERTY LINE
- - -	PARCEL LINE
●	FORMER GROUNDWATER MONITORING LOCATION
▨	ELUC AREA
▩	HAA AREA
○	ASSUMED SOURCE OF CONTAMINATION
↑	DIRECTION OF CONTAMINATION TRAVEL

**POOR QUALITY  
 FOR IMAGING**

05-24-9039

**EXHIBIT C**

**VOCs AND DISSOLVED NICKEL IN GROUNDWATER  
LOWER WATER-BEARING INTERVAL  
FIRST QUARTER 2000 THROUGH FIRST QUARTER 2002  
AUBREY MANUFACTURING, INC.  
UNION, ILLINOIS**

05-24-9040

EXHIBIT C

VOCs AND DISSOLVED NICKEL IN GROUNDWATER - LOWER WATER-BEARING INTERVAL 12  
FIRST QUARTER 2000 THROUGH FIRST QUARTER 2002  
AUBREY MANUFACTURING, INC.  
UNION, ILLINOIS  
(Page 1 of 2)

Parameters	Ground Water Standard	Sampling Event											
		First Quarter 2000 (March, 2000)						Third Quarter 2000 (August, 2000)					
		MW-9D	MW-10	MW-13D	MW-14	MW-18D	MW-9D	MW-10	MW-10 Dup <sup>4</sup>	MW-13D	MW-14	MW-14 Dup <sup>4</sup>	MW-18D
Organic Parameters:	Class II												
1,1-Dichloroethane	20,000	2	U	U	U	U	U	U	U	U	U	U	U
cis-1,2-Dichloroethene	200	2.93	2	U	318	U	U	U	U	U	U	U	U
trans-1,2-Dichloroethene	500	2	U	U	U	U	U	U	U	U	U	U	U
1,1,1-Trichloroethane	1,000	2	U	U	U	U	U	U	U	U	U	U	U
Vinyl chloride	10	3.46	2	U	56.1	U	U	U	U	U	U	U	U
Trichloroethylene	25	2.09	2	U	104	U	U	U	U	U	U	U	U
Dissolved Inorganic Parameters:													
Nickel	2,000	40.8	50	U	37.4	30	U	50	U	50	U	50	U

Notes:

- All concentrations are in ug/l; only detected constituents are shown.
- See Figure 1 for monitoring well locations.
- Ground water standards are based on 35 IAC 620.420 except for the standards provided by the EPA for 1,1-Dichloroethane.
- Duplicate sample obtained from monitoring well.

Key:

- NA = Not analyzed.
- U = Compound was not detected.
- Single-boxed values exceed the Class II ground water standard.

POOR QUALITY  
FOR IMAGING

05-24-9041

## EXHIBIT C

VOCs AND DISSOLVED NICKEL IN GROUNDWATER - LOWER WATER-BEARING INTERVAL<sup>1,2</sup>  
 FIRST QUARTER 2000 THROUGH FIRST QUARTER 2002  
 AUBREY MANUFACTURING, INC.  
 UNION, ILLINOIS  
 (Page 2 of 2)

Parameters	Ground Water Standard <sup>3</sup>	Sampling Event <sup>2</sup>											
		First Quarter 2001 (February, 2001)						First Quarter 2002 (February, 2002)					
		MW-9D	MW-10	MW-13D	MW-14	MW-18D	MW-10	MW-10 Dup <sup>4</sup>	MW-13D	MW-14	MW-18D	MW-20D	
<b>Organic Parameters:</b>													
1,1-Dichloroethane	20,000	5	U	42.9	5	U	5	U	43.1	0.5	U	0.5	U
cis-1,2-Dichloroethene	200	5	U	724	6.05	U	5	U	575	4.24	U	0.5	U
trans-1,2-Dichloroethene	500	5	U	9.99	5	U	5	U	10.3	0.5	U	0.5	U
1,1,1-Trichloroethane	1,000	5	U	5	24.4	U	5	U	0.5	U	13.1	0.5	U
Vinyl chloride	10	3.05	0.214	120	0.71	0.214	U	U	49.1	0.5	U	0.5	U
Trichloroethylene	25	1.46	0.5	286	71.7	0.5	U	U	177	47.2	U	0.5	U
<b>Dissolved Inorganic Parameters:</b>													
Nickel	2,000	50	U	50	U	50	U	U	102	50.7	U	50	U

## Notes:

- <sup>1</sup> All concentrations are in ug/l; only detected constituents are shown.  
<sup>2</sup> See Figure 1 for monitoring well locations.  
<sup>3</sup> Ground water standards are based on 35 IAC 620.420, except for the standards provided by the IEPA for 1,1-Dichloroethane.  
<sup>4</sup> Duplicate sample obtained from monitoring well.

## Key:

- NA = Not analyzed.  
 U = Compound was not detected.  
 Single-boxed values exceed the Class II ground water standard.

POOR QUALITY  
FOR IMAGING

05-24-9042

**EXHIBIT D**

**LEGAL DESCRIPTION AND REAL ESTATE TAX INDEX OR PARCEL  
NUMBER AND DESCRIPTION OF ELUC BOUNDARIES  
AUBREY MANUFACTURING, INC.  
UNION, ILLINOIS**

05-24-9043



**LEGAL DESCRIPTION  
AND REAL ESTATE TAX INDEX OR PARCEL (PIN) NUMBER  
(PURSUANT TO 742.1010(D)(2)) AND DESCRIPTION OF ELUC**

The subject property is located in the Village of Union, McHenry County, State of Illinois, commonly known as 6709 South main Street, Union, Illinois 60180, and more particularly described as:

**Parcel 1      PIN #17-04-330-003**

Part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian, described as follows; Commencing at a point on the West boundary of Main Street as per the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1852 in Book 4 of Deeds, page 552, said point being 4 rods South of the South boundary of that tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed Records Book 103, page 380; thence West on a line parallel with the South boundary of said above described tract a distance of 198.00 feet to the West boundary of the above described tract extended South; thence South on a continuation of the West Boundary line of the above described tract, a distance of 233 feet to the PLACE OF BEGINNING: thence S89°11'27"E along a line parallel to said South boundary line (Basis of Bearings, Illinois State Plane Coordinate System East Zone, NAD83 (1997 Rev.), a distance of 284.10 feet to a point on the East Line of the West half of the East Half of the Southwest Quarter of Section 4-43-6; thence S00°03'48"W along East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6, a distance of 75.00 feet to a point; thence N89°11'27"W along a line parallel to said South boundary line, a distance of 285.36 feet to a point; thence N01°01'30"E a distance of 75.00 feet to the PLACE OF BEGINNING, in Coral Township, McHenry County, Illinois.

**Parcel 4      PIN #17-04-330-009**

That part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of Main Street as per the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1852 in Book 4 of Deeds, page 552, said point being 4 rods South of the South boundary of that tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed Records Book 103, page 380; thence West on a line parallel with the South boundary of said above described tract 198.00 feet to the West boundary of the above described tract extended South to the PLACE OF BEGINNING: thence S89°11'27"E along said line parallel to said South boundary line (Basis of Bearings, Illinois Sate Plane Coordinate System East Zone, NAD83 (1997 Rev.), a distance of 280.18 feet to a point on the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6; thence S00°03'48"W along the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6, a distance of 233.00 feet to a point; thence N89°11'27"W along a line parallel to said South boundary line, a distance of 284.10 feet to a point; thence N01°01'30"E a distance of 233.00 feet to the PLACE OF BEGINNING in Coral Township, McHenry County, Illinois.

05-24-9044

**Parcel 7      PIN #17-04-330-010**

The North 5 acres of the South 24 acres of the West Half of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian in McHenry County, Illinois.

**Parcel 9      (Undescribed Land between Parcels 1, 2, & 7)**

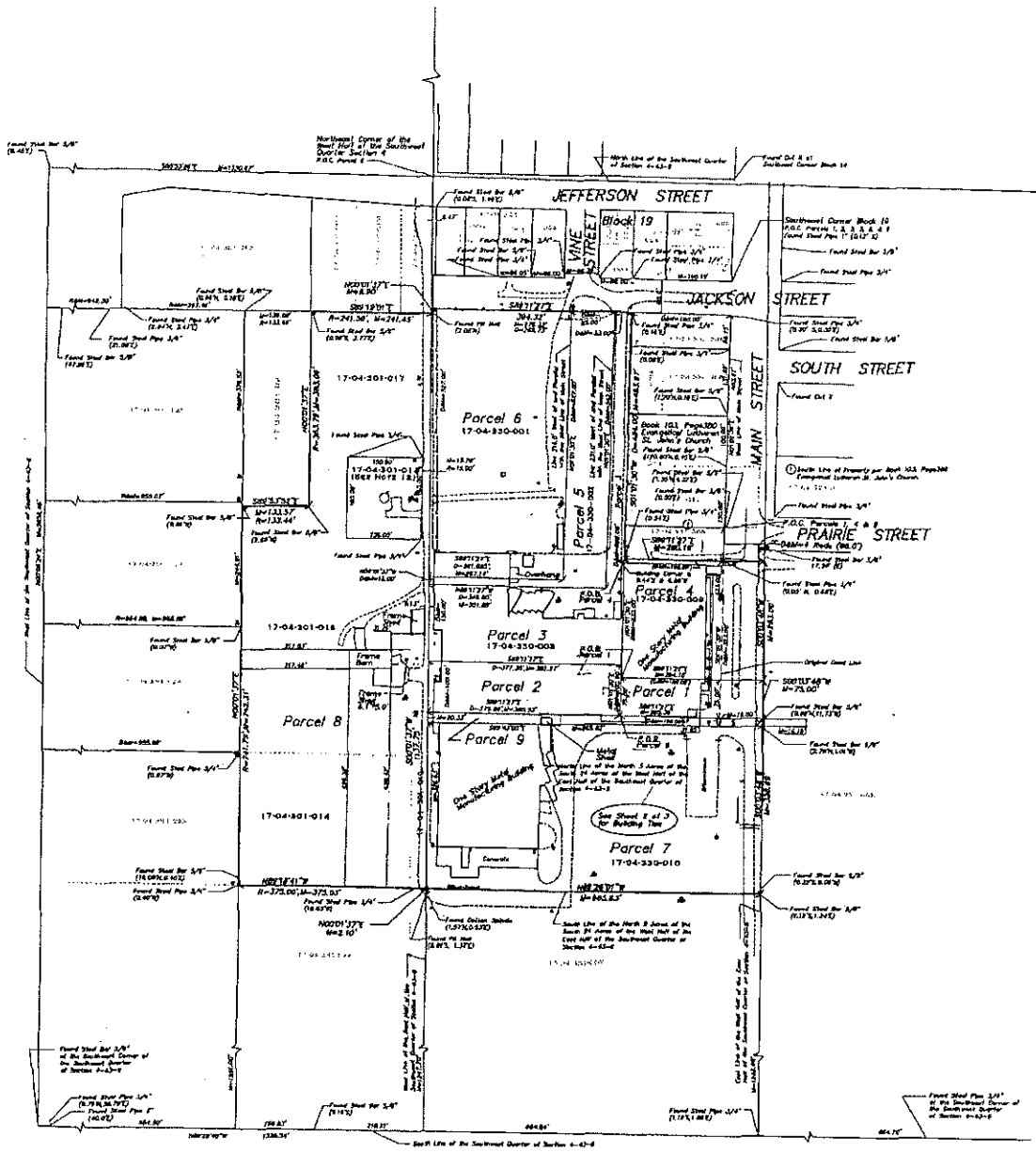
That part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of Main Street as per the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1852 in Book 4 of Deeds, page 552, said point being 4 rods South of the South boundary of that tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed Records Book 103, page 380; thence West on a line parallel with the South boundary of said above described tract 198.00 feet to the West boundary of the above described tract extended South; thence South on a continuation of the West Boundary line of the above described tract, a distance of 308.0 feet to the PLACE OF BEGINNING; thence S89°11'27"E along a line parallel to said South boundary line (Basis of Bearings, Illinois State Plane Coordinate System East Zone, NAD83 (1997 Rev.), a distance of 285.36 feet to a point on the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6; thence S00°03'48"W along the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6, a distance of 14.19 feet to a point; thence N89°43'05"W along the North line of the North 5.00 acres of the South 24.00 acres of the West Half of the East Half of the Southwest Quarter of the aforesaid Section 4, a distance of 665.82 feet; thence N00°01'37"E a distance of 20.33 feet along the West line of the East Half of the Southwest Quarter of Section 4-43-6; thence S89°11'27"E along a line parallel to said South boundary line, a distance of 380.53 feet to the PLACE OF BEGINNING, in Coral Township, McHenry County, Illinois.

**Description of ELUC Boundary:**

From the point of beginning of Parcel 4, thence 197 feet east along northern boundary of Parcel 4 thence south 48.0 feet to ELUC POINT OF BEGINNING (POB). From ELUC POB, south 352.0 feet, thence 126.0 feet west, thence 352.0 feet north, thence 126.0 feet east to ELUC POB more or less. ELUC Comprises portions of Parcels 1, 4, 7 and 9.

# LAND TITLE SURVEY

COMP. FILE: 000012-0000-000  
 PLOT FILE: STANDARD  
 VBA: 000012-0000-000



**LEGEND**

○	SURVEY MARKER
●	STONE MARKER
○	CAUTION BARN
▽	FLARED END SECTION
*	LIGHT POLE
▽	PIPE HYDRANT
□	SEW
□	CLAMP INLET
□	WATER VALVE
□	POWER POLE
□	POWER UTILITY RISER
□	PHONE UTILITY RISER
—○—	OVERHEAD WIRE
○	MONITORING WELL
○	MONITORING WELL

**PROJECT NOTES:**

□	REPLACES AREA OF EXISTING SURVEY
□	REPLACES AREA OF EXISTING SURVEY
□	REPLACES AREA OF EXISTING SURVEY
□	REPLACES AREA OF EXISTING SURVEY

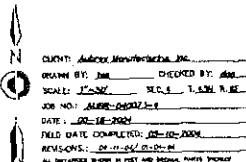
CLIENT: Andrew M. Smith, Inc.  
 DRAWN BY: [Signature] CHECKED BY: [Signature]  
 SCALE: 1"=100' SEC. 8, T. 42N. R. 10E.  
 JOB NO.: 1000-00000-0  
 DATE: 06-10-2000  
 FIELD DATE COMPLETED: 06-10-2000  
 REVISIONS: 06-10-2000 01-00-00  
 ALL DIMENSIONS SHOWN IN FEET AND DECIMAL FRACTIONS UNLESS NOTED OTHERWISE

Revised Detail 01-04-00 made to make survey in compliance  
 with Legal Description for Parcel 1, 2, 3, 4, 5  
 Based on Barycentric, NAD83 State Plane Coordinate System  
 East Zone, NAD83 (1997 REV)

SEE SHEET 2 FOR DETAIL OF IMPROVEMENTS  
 SEE SHEET 3 FOR LEGAL DESCRIPTIONS AND NOTES

POOR QUALITY  
 FOR IMAGING  
 9406-112-50

POOR QUALITY  
FOR IMAGING



Revision Dated 05-04-15 made to revise Survey to incorporate  
New Legal Descriptions for Parcel 1, 4, & 8  
Basia of Bearings, North State Plane Coordinate System  
EoB Zone, NAD83 (1997 REV)

SEE SHEET 1 FOR OVERALL BOUNDARY  
SEE SHEET 3 FOR LEGAL DESCRIPTIONS AND NOTES

# LAND TITLE SURVEY

DATE: 05-11-2004  
 DRAWN BY: JMM  
 CHECKED BY: JMM  
 SCALE: 1" = 40.00'

## PARCEL 1:

Part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of said Street at the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1922 in Book 4 of Deeds, page 552, said point being 4 feet South of the South boundary of said tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed recorded Book 101, page 382, thence West on a line parallel with the South boundary of said above described tract a distance of 138.00 feet to the West boundary of the above described tract a distance of 133 feet to the PLACE OF BEGINNING, thence S89°11'17" along a line parallel to said South boundary the (Block of Burroughs, Middle State Plane Coordinate System East Zone, NAD83 (1983) feet, a distance of 284.10 feet to a point on the East Line of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, thence S89°11'17" along a line parallel to said South boundary line, a distance of 75.00 feet to a point, thence S89°11'17" along a line parallel to said South boundary line, a distance of 285.38 feet to a point, thence N01°01'07" a distance of 75.00 feet to the PLACE OF BEGINNING, in City Township, Mahan County, Ohio.

## ALSO

## PARCEL 2:

Part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the North line of Jackson Street with the West line of Main Street, according to the Original Plat of the Village of Union, recorded June 17, 1922 in Book 4 of Deeds, page 552, and running thence West along the North line of Jackson Street, a distance of 180.0 feet West, thence South parallel with the West line of Main Street and the West line of Main Street extended, a distance of 75.0 feet to the place of beginning, thence continuing South parallel with the West line of Main Street extended, a distance of 75.0 feet, thence West parallel with the North line of Jackson Street, a distance of 375.83 feet to the West line of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, thence North along the West line of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, a distance of 377.33 feet to the place of beginning in Mahan County, Ohio.

## ALSO

## PARCEL 3:

Part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the North line of Jackson Street with the West line of Main Street, according to the Original Plat of the Village of Union, recorded June 17, 1922 in Book 4 of Deeds, page 552, and running thence West along the North line of Jackson Street, a distance of 180.0 feet West, thence South parallel with the West line of Main Street and the West line of Main Street extended, a distance of 75.0 feet to the place of beginning, thence continuing South parallel with the West line of Main Street extended, a distance of 75.0 feet, thence West parallel with the North line of Jackson Street, a distance of 375.83 feet to the West line of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, thence North along the West line of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, a distance of 377.33 feet to the place of beginning in Mahan County, Ohio.

## ALSO

## PARCEL 4:

That part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of Main Street at the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1922 in Book 4 of Deeds, page 552, said point being 4 feet South of the South boundary of said tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed recorded Book 101, page 382, thence West on a line parallel with the South boundary of said above described tract a distance of 138.00 feet to the West boundary of the above described tract a distance of 133 feet to the PLACE OF BEGINNING, thence S89°11'17" along a line parallel to said South boundary the (Block of Burroughs, Middle State Plane Coordinate System East Zone, NAD83 (1983) feet, a distance of 284.10 feet to a point on the East Line of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, thence S89°11'17" along a line parallel to said South boundary line, a distance of 75.00 feet to a point, thence S89°11'17" along a line parallel to said South boundary line, a distance of 285.38 feet to a point, thence N01°01'07" a distance of 75.00 feet to the PLACE OF BEGINNING, in City Township, Mahan County, Ohio.

## ALSO

## PARCEL 5:

Part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the North line of Jackson Street with the West line of Main Street, according to the Original Plat of the Village of Union, recorded June 17, 1922 in Book 4 of Deeds, page 552, thence West along the North line of Jackson Street, a distance of 180.0 feet West, thence South parallel with the West line of Main Street and the West line of Main Street extended, a distance of 75.0 feet to the place of beginning, thence continuing South parallel with the West line of Main Street extended, a distance of 75.0 feet, thence West parallel with the North line of Jackson Street, a distance of 375.83 feet to the West line of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, thence North along the West line of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, a distance of 377.33 feet to the place of beginning in Mahan County, Ohio.

## ALSO

## PARCEL 6:

Part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the North line of Jackson Street with the West line of Main Street, according to the Original Plat of the Village of Union, recorded June 17, 1922 in Book 4 of Deeds, page 552, thence West along the North line of Jackson Street, a distance of 180.0 feet West, thence South parallel with the West line of Main Street and the West line of Main Street extended, a distance of 75.0 feet to the place of beginning, thence continuing South parallel with the West line of Main Street extended, a distance of 75.0 feet, thence West parallel with the North line of Jackson Street, a distance of 375.83 feet to the West line of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, thence North along the West line of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, a distance of 377.33 feet to the place of beginning in Mahan County, Ohio.

## ALSO

## PARCEL 7:

The North 20 acres of the South 20 acres of the West Half of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian in Mahan County, Ohio.

## ALSO

## PARCEL 8:

That part of the West Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of the West Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, thence S89°11'17" along a line parallel to said South boundary the (Block of Burroughs, Middle State Plane Coordinate System East Zone, NAD83 (1983) feet, a distance of 284.10 feet to a point on the East Line of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, thence S89°11'17" along a line parallel to said South boundary line, a distance of 75.00 feet to a point, thence S89°11'17" along a line parallel to said South boundary line, a distance of 285.38 feet to a point, thence N01°01'07" a distance of 75.00 feet to the PLACE OF BEGINNING, in City Township, Mahan County, Ohio.

## ALSO

## PARCEL 9:

Unimproved Land between Parcels 5, 6, 7, 8, and 9. That part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of Main Street at the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1922 in Book 4 of Deeds, page 552, said point being 4 feet South of the South boundary of said tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed recorded Book 101, page 382, thence West on a line parallel with the South boundary of said above described tract a distance of 138.00 feet to the West boundary of the above described tract a distance of 133 feet to the PLACE OF BEGINNING, thence S89°11'17" along a line parallel to said South boundary the (Block of Burroughs, Middle State Plane Coordinate System East Zone, NAD83 (1983) feet, a distance of 284.10 feet to a point on the East Line of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian, thence S89°11'17" along a line parallel to said South boundary line, a distance of 75.00 feet to a point, thence S89°11'17" along a line parallel to said South boundary line, a distance of 285.38 feet to a point, thence N01°01'07" a distance of 75.00 feet to the PLACE OF BEGINNING, in City Township, Mahan County, Ohio.

## SURVEY'S NOTES:

1. Distances shown herein are State Plane "Grid" distances based on GPS measurements. The applicable scale factor is 1.000000174.
2. Bearings shown herein are based on the Middle State Plane Coordinate System - East Zone (NAD83) - 1997 Adjustment.
3. Only the improvements that were visible from above ground at time of survey and through a normal search and were shown on the plat are shown on this plat. If any were not shown on this survey, they are hereby noted.
4. Surface indications of utilities or improvements that were not shown on this survey, and which are not shown on this survey, are hereby noted. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey.
5. The survey may not reflect all utilities or improvements. If such items are hidden by topography, or are covered by such items as masonry or broken, or when the site was covered with snow, there was minimal view over the site of the survey.
6. Other than visible observations noted herein, this survey makes no statement regarding the actual presence or absence of any public utility. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey.
7. The location of the property lines shown on the face of this plat are based on the description and information furnished by the client, together with the data furnished by the client. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey.
8. Consider the plat, legal description and all survey documents before making and immediately report any discrepancies to the client.
9. Restrictions that may be found in local building and/or zoning codes have not been shown. Height and lot restrictions (if any) have not been shown.
10. The federal emergency management agency first emergency plan number 17042-0001, dated an effective date of August 15, 1983, indicates that the above described property has within areas designated as Zone C and Zone A-1. Zone C is defined as areas of minimal flooding risk. Zone A-1 is defined as areas of moderate flooding risk. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey.
11. Chicago Title Insurance Company, 1100 Commonwealth Avenue, Suite 1000, Chicago, Illinois 60606-4400, has been retained to provide title insurance for the property. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey. The surveyor is not responsible for determining the location of utilities or improvements not shown on this survey.

A. (A. State) The referenced lines are depicted and/or noted herein.

B. Other improvements not specified herein may not have been considered relevant to the ALTA/ACSM Land Title Survey, and have not been shown in conjunction with the preparation of this plat. (i.e., easements, appurtenances, mortgages, etc., not shown or mentioned herein.)

C. Legal descriptions as shown are supplied by owner; not as noted in this document.

12. Tax ID Number 17-04-301-018 lists the Village of Union as owner of record for Mahan County. This same parcel is included in the Legal Description of Parcel 6.

## Parcel Numbers for the Subject Property (Identified on Sheet 1)

Parcel 1, 2, 3, 4, 5, 6, 7, 8, 9	17-04-301-001
Parcel 1	17-04-301-002
Parcel 2	17-04-301-003
Parcel 3	17-04-301-004
Parcel 4	17-04-301-005
Parcel 5	17-04-301-006
Parcel 6	17-04-301-007
Parcel 7	17-04-301-008
Parcel 8	17-04-301-009
Parcel 9	17-04-301-010

Parcel 10: Represented by map by description between Parcels 1, 2 and 3 and does not have a separate Parcel number.

## AREA TABLE

Parcel 1	21,354 sq. ft.	0.48 Acres
Parcel 2	38,740 sq. ft.	0.88 Acres
Parcel 3	75,479 sq. ft.	1.72 Acres
Parcel 4	83,736 sq. ft.	1.91 Acres
Parcel 5	50,078 sq. ft.	1.14 Acres
Parcel 6	141,189 sq. ft.	3.23 Acres
Parcel 7	217,008 sq. ft.	4.95 Acres
Parcel 8	377,494 sq. ft.	8.53 Acres
Parcel 9	11,484 sq. ft.	0.26 Acres
Total Area:	1,000,000 sq. ft.	22.84 Acres (approx.)

STATE OF OHIO  
 COUNTY OF MAHON

Carried to:  
 Agency: Mahan County, Ohio  
 Chicago Title Insurance Company, Commitment 1800 0000000000

This is to certify that we have measured the property above described, and that the plat herein is a representation of the said survey. This professional service conforms to the current Ohio minimum standards for a boundary survey.

Dated at Mahan County, Ohio this 11th day of May, 2004.  
 Smith Engineering Consultants, Inc.

\_\_\_\_\_  
 State Professional Land Surveyor  
 License Expires: \_\_\_\_\_

SEE SHEET 1 FOR OVERALL BOUNDARY  
 SEE SHEET 2 FOR DETAIL OF IMPROVEMENTS

POOR QUALITY  
 FOR IMAGING

8406-42-50

CLIENT: Mahan County, Ohio

DRAWN BY: JMM CHECKED BY: JMM

SCALE: 1" = 40.00' SEC. 4, T. 43 N., R. 8 E.

JOB NO.: 0406-0002-1

DATE: 05-11-2004

FIELD DATE COMPLETED: 05-10-2004

REVISIONS: 05-11-2004 01-01-04

ALL DISTANCES SHOWN IN FEET AND DECIMAL FRACTIONS

Station 0+00 to 0+01.00 used to reduce survey to horizontal

New Legal Descriptions for Parcel 1, 2, 3, 4, 5

NOTE: This survey includes the boundaries and easements shown

on a recorded subdivision plat and any other survey data shown

on the plat and any other survey data shown on the plat and any

other survey data shown on the plat and any other survey data

shown on the plat and any other survey data shown on the plat

and any other survey data shown on the plat and any other

survey data shown on the plat and any other survey data

shown on the plat and any other survey data shown on the plat



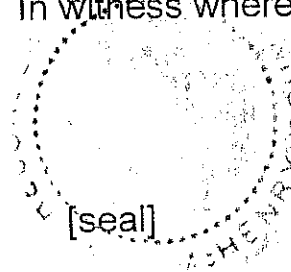
*Phyllis K. Walters*  
*McHenry County Recorder*

## CERTIFICATION

I, Phyllis K. Walters, Recorder for the County of McHenry, State of Illinois, do hereby certify this to be a true and correct copy of Document Number 2005R0039007 recorded May 19, 2005 in my office. In witness whereof, I have set my hand and affixed the seal of my office.

DATE June 8, 2005

*Phyllis K. Walters*  
*McHenry County Recorder*



by *Andi Wattus*  
Clerk, Recorder's Office

Located at: 667 Ware Road, Woodstock, IL  
Mailing Address:  
2200 N. Seminary Avenue, Room 109  
Woodstock, IL 60098  
815-334-4110 fax 815-338-9612

RECEIVED

JUN 15 2005

IEPA-BOL  
PERMIT SECTION

Prepared By:

Paul Monson  
Sidley Austin Brown & Wood LLP  
10 S. Dearborn Street  
Chicago, IL 60603

MCHENRY COUNTY RECORDER  
PHYLLIS K. WALTERS

2005R0039007

05/19/2005 04:30PM

PAGES 21

RECORDING FEE 43.00  
COUNTY STAMP FEE  
STATE STAMP FEE

When Recorded Return To:

Paul Monson  
Sidley Austin Brown & Wood LLP  
10 S. Dearborn Street  
Chicago, IL 60603

### Highway Authority Agreement

This Agreement ("Agreement") is entered into this 19<sup>th</sup> day of April, 2005 pursuant to 35 Ill. Admin. Code Section 742.1020 by and between Aubrey Manufacturing, Inc. ("Owner") and the Village of Union, Illinois ("Village"), as follows:

1. This Agreement is not binding upon the Village until it is executed by the undersigned representatives of the Village, and prior to execution this Agreement constitutes an offer by Owner.

2.a. Owner is pursuing a corrective action of a Site and of the right-of-way adjacent to the boundary of the Site located at 6709 South Main Street, Union, Illinois 60180 (the "Site").

2.b. Attached as Exhibit A are site maps prepared by Owner which show the area of estimated contaminant impacted groundwater at the time of this Agreement in the right-of-way above applicable remediation objectives under 35 Ill. Admin. Code Part 742. Also shown in Exhibit A are tables prepared by Owner showing the concentration of contaminants of concern, hereafter "Contaminants," in groundwater within the Site and which shows the applicable remediation objectives for groundwater of the Illinois Pollution Control Board ("IPCB") which are exceeded along the boundary of the Site adjacent to the Right-of-Way. The right-of-way, and only the right-of-way, as described in Exhibit A, hereinafter the "Right-of-Way," adjacent to the site is subject to this Agreement. As the drawings in the Exhibits are not surveyed plats, the boundary of the Right-of-Way in the Exhibits may be an approximation of the actual right-of-way lines. The Right-of-Way is impractical to sample for Contaminants; however, the parties believe that the area of the Right-of-Way is adequate to encompass groundwater within the Right-of-Way possibly impacted with Contaminants from a release at the Site.

2.c. Owner intends to request risk-based, site specific groundwater remediation objectives from the Illinois Environmental Protection Agency ("IEPA") under 35 Ill. Admin. Code Part 742 and pursuant to the conditions outlined in a letter from the IEPA to the owner dated January 10, 2003 and included in Exhibit A.

2.d. Under these rules, use of risk-based, site specific remediation objectives in the Right-of-Way may require the use of a Highway Authority Agreement as defined in 35 Ill. Admin. Code Section 742.1020.

2.e. Owner investigated and remediated impacted soil at the Site with concentrations of contaminants above the applicable closure performance standards of 35 Ill. Admin. Code Part 725.211, 725.214, and 725.328 (a), and in a September 8, 1993 letter the IEPA informed the Owner that no further soil remediation was necessary. As such, the right-of-way does not contain contaminant impacted soil above applicable remediation objectives, and the use of a Highway Authority Agreement as defined in 35 Ill. Admin. Code Section 742.1020 is not required for the soil in the right-of-way.

3. The Village holds a fee simple interest or a dedication for highway purposes in the Right-of-Way, or the Right-of-Way is a platted street, and has jurisdiction of the Right-of-Way. For purposes of this Agreement, "jurisdiction" means that the Village exercises access control over the use of groundwater beneath the Right-of-Way because it requires a permit for that access.

4.a. Under 35 Ill. Admin. Code Section 742.1020, this Agreement is intended to be an acceptable "Highway Authority Agreement" to IEPA, as the Village is willing to agree that it will not allow the use of groundwater under the Right-of-Way as a potable or other domestic supply of water.

4.b. The IEPA must review and approve this Agreement, and this Agreement shall be referenced in the IEPA's "No Further Remediation" letter.

4.c. This Agreement shall be null and void as a Highway Authority Agreement should the IEPA not approve it or should it not be referenced in the "No Further Remediation" determination, provided, however, that this Agreement shall be effective between the Owner and the Village immediately upon signature by their representatives.

5. The Village promises IEPA and the Owner that it will prohibit the use of groundwater under the Right-of-Way as a potable or other domestic supply of water.

6. Provided that the Village provides Owner with notice within thirty (30) working days of receiving a claim, and further provides Owner with an opportunity to defend such a claim, the Owner agrees to indemnify and hold harmless the Village, and other highway authorities, if any, maintaining the highway Right-of-Way by an agreement with the Village, and the Village's agents, contractors or employees for all obligations asserted against or costs incurred by them, including attorney's fees and court costs, associated in any way with the release of Contaminants from the Site or the Right-of-Way.

7. This Agreement shall be binding upon all successors in interest to the Owner and to the Village. A successor in interest of the Village would include a highway authority to which the Village would transfer jurisdiction of the highway.

8. Violation of the terms of this Agreement by Owner or its successors in interest may be grounds for avoidance of this Agreement as a Highway Authority Agreement. Violation of the terms of this Agreement by the Village will not void this Agreement, unless the IEPA has determined that the violation is grounds for voiding this Agreement as a Highway Authority Agreement and the Village has not cured the violation within such time as IEPA has granted to cure the violation.



9. This Agreement shall continue in effect from the date of this Agreement until the Right-of-Way is demonstrated to be suitable for unrestricted use and there is no longer a need for this Agreement as a Highway Authority Agreement, and the IEPA has, upon written request to the IEPA by the Owner and notice to the Village or by the Village and notice to Owner, amended the notice in the chain of title of the Site to reflect unencumbered future use of that highway Right-of-Way.

10. This Agreement does not limit the Village's ability to construct, reconstruct, improve, repair, maintain and operate a highway upon its property or to do anything in, on, or under the highway, or to allow others to use the highway Right-of-Way by permit. To that extent, the Village reserves the right and the right of those using its property under permit to remove contaminated groundwater above applicable remediation objectives from its Right-of-Way and to handle and dispose of them as they deem appropriate not inconsistent with applicable environmental regulations so as to avoid causing a further release of the Contaminants and to protect human health and the environment. Prior to taking any such action, the Village will first give Owner thirty (30) days written notice, unless there is an immediate threat to the health or safety to any individual or to the public, that it intends to perform a site investigation in the Right-of-Way and remove or dispose of contaminated groundwater to the extent necessary for its work. Failure to give notice is not a violation of this Agreement. The removal or disposal shall be based upon the site investigation (which may be modified by field conditions during excavation), which Owner may review or may perform, if requested to do so by the Village. If practicable, as determined by the Village, the Village may request Owner to remove and dispose of the contaminated groundwater necessary for the Village's work in advance of that work. The Owner shall reimburse the reasonable costs incurred by the Village to perform the site investigation and to dispose of any contaminated groundwater, provided, however, that if notice to Owner has not been given and there was no immediate threat to health or safety, reimbursement for those costs shall be limited to \$10,000.00. There is a rebuttable presumption that the Contaminants found in the highway Right-of-Way arose from the release of Contaminants from the Site. Should Owner not reimburse the reasonable costs under the conditions set forth herein, this Agreement shall be null and void, at the Village's option, upon written notice to Owner by the Village that those costs have not been reimbursed. Owner may cure that problem within forty-five (45) working days by making payment or may seek to enjoin that result.

11. Written notice required by this Agreement shall be mailed to the following:

If to Owner:

Thomas J. Kucera  
Aubrey Manufacturing, Inc.  
6709 South Main Street  
Union, Illinois 60180

If to Village:

President  
Village of Union  
17703 O'Cock Road  
Union, IL 60180

12. The Village's sole responsibility under this Agreement with respect to others using the highway Right-of-Way under permit from the Village is to include the following, or similar language, in the future standard permit provisions and to make an effort to notify its current permit holders of the following:

As a condition of this permit, the permittee shall request the Permit Office to identify sites in the Right-of-Way where access to contaminated groundwater is governed by this Agreement or other similar agreements. The permittee shall take measures before, during and after any access to these sites to protect worker safety and human health and the environment. Any groundwater removed from the area must be managed in accordance with all environmental laws.

Provided that the Village provides owner of notice within thirty (30) working days of receiving a claim and further provides Owner with an opportunity to defend such a claim, Owner hereby releases the Village from liability for breach of paragraph 5 of this Agreement by others under permit and indemnifies the Village against claims that may arise from others under permit causing a breach of paragraph 5 of this Agreement. Owner agrees that its personnel, if any, at the Site who are aware of this Agreement will notify anyone they know is excavating in the Right-of-Way about this Agreement.

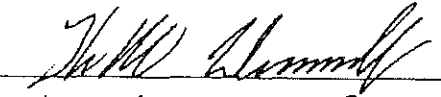
13. Should the Village breach this Agreement, Owner's sole remedy is for an action for injunction to restore the status quo as contemplated by this Agreement. Otherwise, no breach by the Village, its agents, contractors, employees and its successors in interest of a provision of this Agreement is actionable in either law or equity by Owner against the Village or them and Owner hereby releases the Village, its agents, contractors, employees and its successors in interest for any cause of action it may have against them, other than as allowed in this paragraph, arising under this Agreement or environmental laws, regulations or common law governing the contaminated groundwater in the highway Right-of-Way. Should the Village convey, vacate or transfer jurisdiction of that highway Right-of-Way, Owner may pursue an action under this Agreement against the successors in interest, other than a State agency, and Owner's sole remedy is for an action for injunction to restore the status quo as contemplated by this Agreement.

14. This Agreement is entered into by the Village in recognition of laws passed by the General Assembly and regulations adopted by the Pollution Control Board which encourage a tiered-approach to remediating environmental contamination. This Agreement is entered into by the Village in the spirit of those laws and under its right and obligations as a highway authority. Should any provisions of this Agreement be struck down as beyond the authority of the Village, however, this Agreement shall be null and void.

15. This Agreement may be executed in several counterparts, each of which when taken together shall be deemed an original; further signature of the parties hereto on the Agreement may be executed and notarized on separate pages, and when attached to this Agreement shall constitute one complete document.

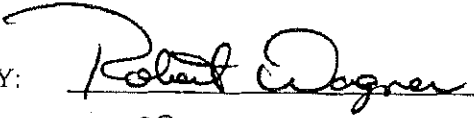
IN WITNESS WHEREOF, Owner has caused this Agreement to be signed by its duly authorized representative.

Aubrey Manufacturing, Inc.

BY:   
(Title): VICE PRESIDENT, SECRETARY  
DATE: 4-12-05

IN WITNESS WHEREOF, the Village has caused this Agreement to be signed by its duly authorized representatives:

Village of Union, Illinois

BY:   
(Title): PRESIDENT  
DATE: 4-19-05

STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

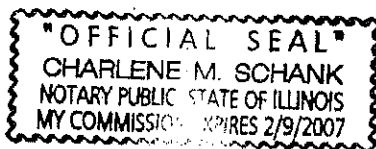
I, \_\_\_\_\_, a Notary Public in and for the County and State  
aforesaid, DO HEREBY CERTIFY that Kevin Donnelly, personally known to me to  
be the Vice President of Aubrey Manufacturing, Inc., a Delaware corporation, and  
personally known to me to be the same person whose name is subscribed to the foregoing  
instrument, appeared before me this day in person and acknowledged that as such  
Vice President, s(he) signed and delivered such instrument, as his/her free and  
voluntary act and deed, as the free and voluntary act and deed of such corporation, for the uses  
and purposes therein set forth.

Given under my hand and official seal, this 10<sup>th</sup> day of April, 2005.

Charlene M. Schank  
Notary Public

My Commission Expires:

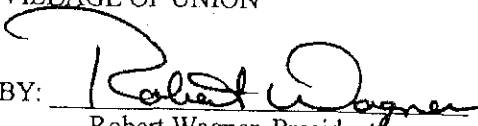
2-9-07



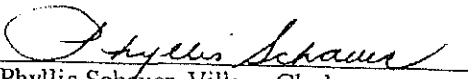
IN WITNESS WHEREOF, the Village has caused this Agreement to be signed by its duly authorized representatives.

VILLAGE OF UNION

BY:

  
Robert Wagner, President

ATTEST:

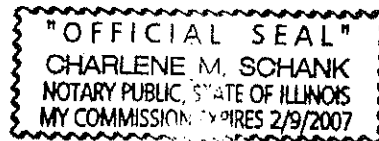
  
Phyllis Schauer, Village Clerk

STATE OF ILLINOIS       )  
                                      )SS.  
COUNTY OF COOK       )

I, the undersigned, a Notary Public in and for said County and State aforesaid, Do  
HEREBY CERTIFY THAT Robert Wagner, President of the Village of Union, and Phyllis  
Schauer, Village Clerk of the Village of Union, personally know to me to be the same persons  
whose names are subscribed to the foregoing instrument as such President and Village Clerk,  
respectively, appeared before me this day in person and acknowledged that they signed and  
delivered the said instrument as their own free and voluntary act, and as the free and voluntary act  
of said Village, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 19th day of April, 2005

Charlene M. Schank  
Notary Public



**EXHIBIT A**

**JANUARY 10, 2003 LETTER FROM ILLINOIS EPA DESCRIBING  
CONDITIONS FOR RCRA CLOSURE**

**MAP SHOWING EXTENT OF HIGHWAY AUTHORITY AGREEMENT**

**VOCs AND DISSOLVED NICKEL IN GROUNDWATER, LOWER WATER-  
BEARING INTERVAL, FIRST QUARTER 2000 THROUGH FIRST QUARTER  
2002**

05-26-5149



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

GEORGE H. RYAN, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/524-3300

January 10, 2003

CERTIFIED MAIL

7002 2030 0001 1873 3298

Karl Adrian  
Aubrey Manufacturing  
6709 South Main Street  
Union, Illinois 60180

Re: 1110905002 -- McHenry County  
Aubrey Manufacturing, Inc.  
ILD005238159  
Log No. C-686-M-17 and 18  
Received: September 9, 2002; September 16, 2002; October 22, 2002  
RCRA Closure

Dear Mr. Adrian:

This is in response to September 6, 2002, September 13, 2002 and October 21, 2002 submittals made on your behalf by Mr. Dave Edwards, P.E. of ERM EnviroClean (ERM) regarding RCRA closure activities for a former surface impoundment at the above-referenced facility (located at 6709 South Main Street, Union, Illinois). A plan to complete closure of this unit was initially approved by Illinois EPA on February 24, 1993 several modifications to this plan have also been approved by Illinois EPA, the last on September 5, 2002. A substantial amount of investigative and remedial activities have been completed to date for the impoundment. "Clean closure" has been achieved for the soils in the vicinity of the surface impoundment (a drawing showing the location of this unit within the facility is attached); as indicated in the September 5, 2002 letter, certain groundwater issues still remain for the project.

Mr. Edwards' September submittal included a document entitled "Closure Plan Modification and Closure Completion Report, Aubrey Manufacturing, Inc., Union, Illinois" and was submitted in response to Condition 5 of the September 5, 2002 Illinois EPA letter to the facility. This submittal includes documentation of RCRA closure activities conducted to date for the former surface impoundment and a request to modify the approved final Closure Plan by proposing final RCRA closure of the site utilizing institutional controls to restrict groundwater use pursuant to 35 Ill. Adm. Code 742, Subpart J. The October submittal included a request to abandon three monitoring wells so that the facility may trade a portion of facility with an adjoining property. It also included proposed revisions to the Highway Authority Agreement (HAA) presented in the September submittal.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7404 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4073  
ELGIN - 595 South State, Elgin 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5460  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 333-6907  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

PRINTED ON RECYCLED PAPER

05-26-5150



Mr. Karl Adrian  
C-686-M-17 and 18  
Page 2

Mr. Edwards' submittals were reviewed as requests to modify the approved closure plan for the former hazardous waste surface impoundment at Aubrey Manufacturing facility in Union, Illinois and is hereby approved subject to the following conditions and modifications:

1. Except as modified herein, closure activities for the subject surface impoundment must be carried out in accordance with Illinois EPA's previous closure plan approval letters for this project (Illinois EPA Log No. C-686 and associated modifications). As indicated above, Illinois EPA has previously determined that no further action is necessary for the soils at the surface impoundment.
2. The Illinois EPA has determined that the facility's proposal to clean close groundwater at the former surface impoundment T02 in accordance with 35 Ill. Adm. Code Part 742 can be approved. Therefore, the proposed ELUC and HAA for the Aubrey Manufacturing, Inc. Facility located at 6709 South Main Street, Union, Illinois, in McHenry County (PIN Nos. 17-04-330-003, 17-04-330-009, and 17-04-330-010) are hereby approved subject to the following conditions and modifications:
  - a. This letter shall constitute the Illinois EPA's no further action determination instrument for this project that must be filed with the ELUC and HAA approved herein, provided the terms and conditions of this letter are met.
  - b. The facility must include a summary of contaminant concentrations exceeding the appropriate 35 Ill. Adm. Code 742, Tier 1, Class II GROs with the recorded ELUC. The requirements of this condition may be met by either:
    - i. Utilizing a map depicting the appropriate contaminant concentrations; or
    - ii. Utilizing a tabulated summary of contaminant concentrations at the appropriate monitoring well locations.
  - c. The final ELUC and HAA filed with the Office of the Recorder or Registrar of Titles for McHenry County must include a dated and notarized signature of the property owner.
3. The ELUC and HAA approved herein place the following restrictions on the subject property:
  - a. Groundwater in the portion of the Main Street right-of-way and the facility specified in Exhibits A and B, respectively, cannot be used in the future.

05-26-5151

Mr. Karl Adrian  
C-686-M-17 and 18  
Page 3

4. Within forty-five days of the date of this letter, the ELUC and HAA approved herein must be fully executed, notarized and recorded in the chain of title for the subject property in the Office of the Recorder or Registrar of Titles for McHenry County. The approved ELUC and HAA will not become effective until properly recorded in the chain of custody for the subject property.
5. Within 30 days after filing the approved ELUC and HAA in accordance with Condition 4 above, a certified true copy of the filed ELUC and HAA, along with certification for the Office of the Recorder or Registrar of Titles for McHenry County that the ELUC and HAA were properly filed, must be submitted to Illinois EPA. Once the Illinois EPA receives this information and a final certification of closure it will be able to issue a final closure certification letter for this project.
6. Failure to comply with the limitations or requirements of an ELUC and HAA may result in avoidance of an Illinois EPA no further action determination in accordance with the program under which the determination was made. The failure to comply with the limitations or requirements of an ELUC and HAA may also be grounds for an enforcement action pursuant to Title VIII of the Illinois Environmental Protection Act.
7. The limitations or requirements of the ELUC and HAA apply in perpetuity until:
  - a. The Illinois EPA issues a new no further action determination approving modification or removal of the limitation/requirement; and
  - b. A release or modification of the land use limitation is filed on the chain of title for the property that is the subject of the ELUC and HAA.
8. At no time shall this site be used in a manner inconsistent with the land use limitations established in the approved ELUC and HAA, unless: (1) attainment of objectives appropriate for the new land use is achieved, and (2) a new no further action determination is obtained from Illinois EPA and subsequently recorded in accordance with 35 Ill. Adm. Code 742.
  - a. Requests to release or modify an ELUC and HAA must be formally requested in writing from Illinois EPA as a: (1) request to amend the certification of closure; or (2) a permit modification request. Sufficient information must be provided in these requests to demonstrate that the requested change meets all the requirements of 35 Ill. Adm. Code 742.
  - b. Any final approval by Illinois EPA of a request to release or modify an ELUC and/or HAA must be filed with the chain of title for the subject facility.

05-26-5152

Mr. Karl Adrian  
C-686-M-17 and 18  
Page 4

9. In addition to the ELUC and HAA recording requirements outlined above, the facility must submit certification that plugging and abandonment of groundwater monitoring wells has been carried out in accordance with the approved procedures to the Illinois EPA at the address below within thirty (30) days of the date that the wells are plugged and abandoned.

Illinois Environmental Protection Agency  
Bureau of Land -- #33  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

10. In accordance with 35 Ill. Adm. Code 725.215, when closure of the surface impoundment is complete, a certification must be submitted to Illinois indicating that the impoundment has been closed in accordance with the approved closure plan. This certification must be completed by a representative of the owner/operator and an independent licensed professional engineer. The attached closure certification form must be used to make this certification.

As further required by 35 Ill. Adm. Code 725.215, this certification must be accompanied by a closure document report supporting the certification and demonstrating that the closure activities were carried out in accordance with Illinois EPA approved plans. This closure documentation report must contain the following information:

- a. A brief summary/discussion of the location of the facility and the overall activities carried out there. Scaled drawing depicting the site location and site layout (including the location of the former impoundment and plating area within the facility as well as the information required in this condition) must also be included in this summary/discussion;
- b. A chronological summary of all closure activities completed at the facility;
- c. A brief summary/discussion of all documents previously submitted to Illinois EPA regarding this project and all Illinois EPA correspondence regarding the project;
- d. A discussion of all waste and contaminated media removal efforts, including scaled drawings showing the horizontal and vertical extent of any soil removal effort;
- e. A scaled drawings showing the horizontal and vertical locations of all soil samples collected/analyzed to demonstrate that the soils remaining at the surface impoundment "meet the required remediation objectives."

(per Jim Moore, Illinois EPA  
January 14, 2003)

05-26-5153

Mr. Karl Adrian  
C-686-M-17 and 18  
Page 5

- f. Scaled drawings showing the location of all wells installed as part of the closure effort;
- g. A tabular summary of all groundwater monitoring results obtained for the project;
- h. A detailed description of the procedures followed to demonstrate "clean closure" of the impoundment relative to groundwater;
- i. Photo-documentation of the closure activities.

It must be noted that one of the main reasons for the comprehensive nature of this report is to compile, in one document, all closure activities at this facility which have been completed over the past nine years. This document will not only be used at present to verify proper closure of the impoundment, but will also be a valuable resource in the future in determining the exact investigative/remedial activities completed to address the former surface impoundment.

- 11. Closure efforts at this facility must meet the requirements of 35 Ill. Adm. Code 725, Subpart G. Any variation to the closure activities approved by this letter shall be the subject of a request to modify the approved closure plan which is submitted to Illinois EPA for review and approval. Any such request must contain detailed information regarding the proposed modifications and the procedures which will be followed to complete closure of the unit(s). In addition, this request must contain information demonstrating that the proposed modifications meet the requirements of 35 Ill. Adm. Code 725, Subpart G. A revised schedule for completing the various tasks necessary to complete closure must be included in this request.

This letter shall constitute Illinois EPA's final decision on the subject submittal. Within 35 days after the date of mailing of the Illinois EPA's final decision, the applicant may petition for a hearing before the Illinois Pollution Control Board to contest the decision of the Illinois EPA, however, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Illinois EPA, within the 35-day initial appeal period.

Work required by this letter, your submittal or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This letter does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them.

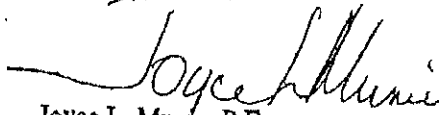
05-26-5154

Mr. Karl Adrian  
C-686-M-17 and 18  
Page 6

The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

If you have any questions regarding the groundwater related aspects of this project, please contact Scott Kaufman at 217/785-6869. Questions regarding other aspects of this project should be directed to Jim Moore at 217/524-3295.

Sincerely, \_\_\_\_\_

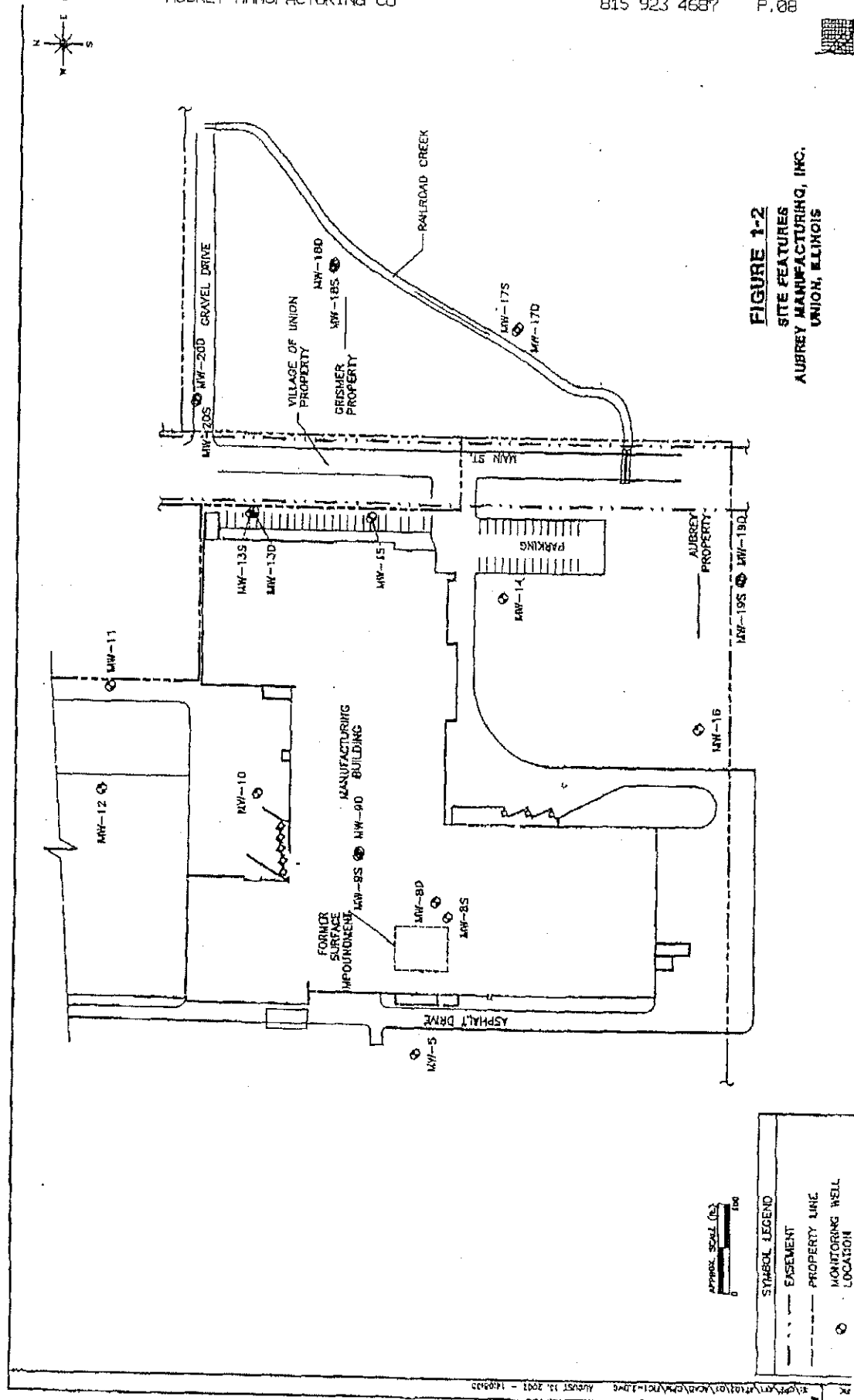


Joyce L. Muncie, P.E.  
Manager, Permit Section  
Bureau of Land

JLM:JKM\mis\020191s.doc  
JLM OSK-TBM

Attachments: Site Layout Map  
Closure Certification Statement

05-26-5155



**FIGURE 1-2**  
SITE FEATURES  
AUBREY MANUFACTURING, INC.  
UNION, ILLINOIS

## RCRA CLOSURE CERTIFICATION STATEMENT

Aubrey Manufacturing  
6709 South Main Street  
Union, Illinois  
Illinois EPA ID No. 1110905002  
Log No. C-686

(To meet the requirements of 35 Ill. Adm. Code 725.215, this statement must be completed by both a responsible officer of Aubrey Manufacturing (as defined in 35 Ill. Adm. Code 702.126) and by an independent licensed professional engineer upon completion of RCRA closure efforts at the facility).

The former hazardous waste surface impoundment at the Aubrey Manufacturing facility has been closed in accordance with the specifications in the approved closure plan. A report documenting that closure has been carried out in accordance with the approved plan is attached.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Signature of Owner/Operator      Date  
Responsible Officer

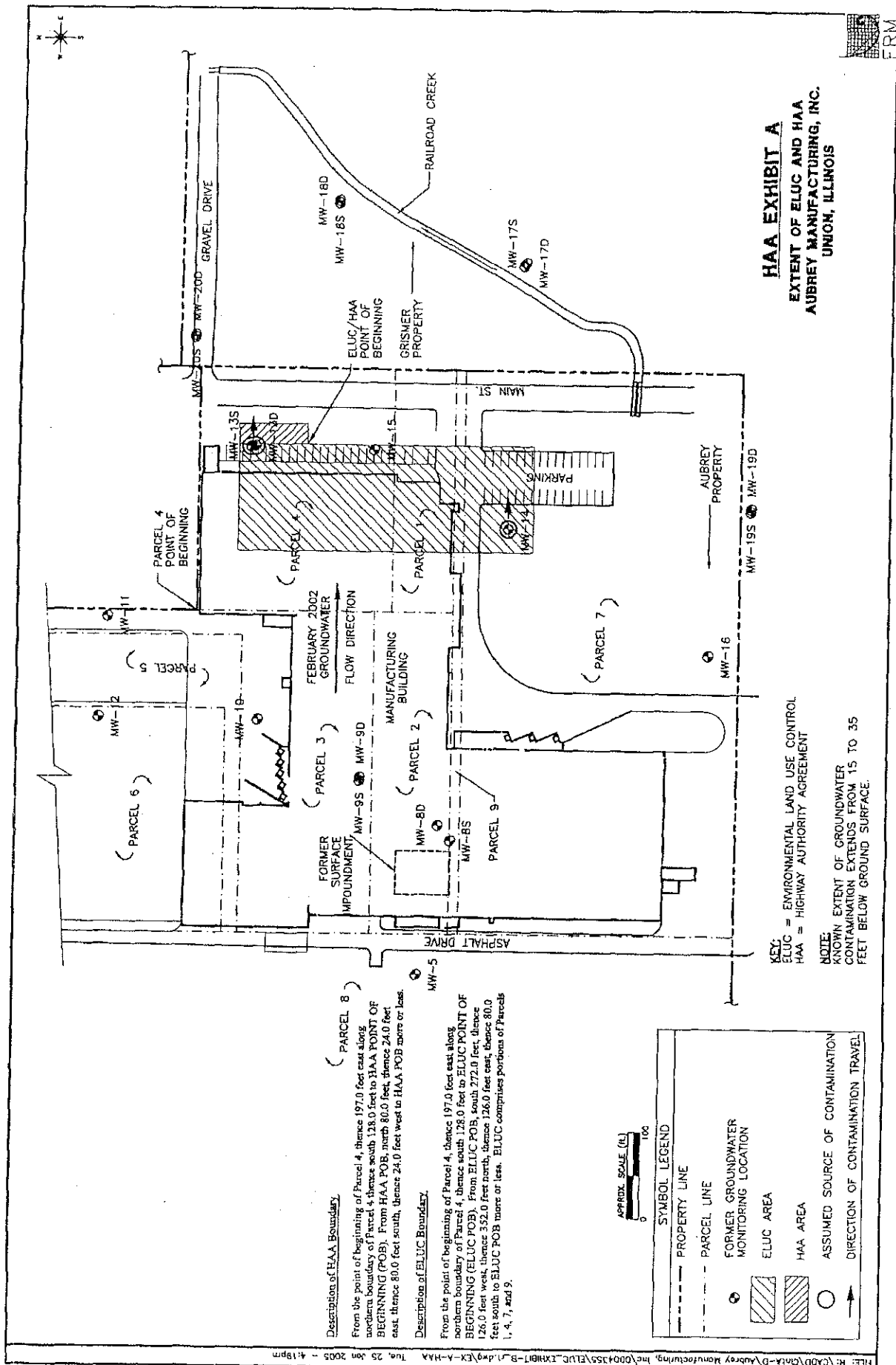
\_\_\_\_\_  
Name and Title of Owner/Operator  
Responsible Officer

\_\_\_\_\_  
Signature of Licensed P.E.      Date

\_\_\_\_\_  
Name of Licensed P.E. and Illinois License  
Number

\_\_\_\_\_  
Mailing Address of P.E.:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Licensed P.E.'s Seal:



R:\R:\CADD\GMA-A-D\Aubrey Manufacturing, Inc\0004355\ELUC EXHIBIT-B.dwg EX-A-HAA Tue, 25 Jan 2005 4:19pm

05-26-5158



EXHIBIT A

VOCs AND DISSOLVED NICKEL IN GROUNDWATER - LOWER WATER-BEARING INTERVAL <sup>1,2</sup>  
 FIRST QUARTER 2000 THROUGH FIRST QUARTER 2002  
 AUBREY MANUFACTURING, INC.  
 UNION, ILLINOIS  
 (Page 1 of 2)

Parameters	Ground Water Standard	Sampling Event											
		First Quarter 2000 (March, 2000)						Third Quarter 2000 (August, 2000)					
	Class II	MW-9D	MW-10	MW-13D	MW-13D Dup <sup>3</sup>	MW-14	MW-18D	MW-9D	MW-10	MW-10 Dup <sup>4</sup>	MW-13D	MW-14	MW-18D
Organic Parameters:													
1,1-Dichloroethane	20,000	2	U	10	U	35.5	2	U	NA	NA	NA	NA	NA
cis-1,2-Dichloroethene	200	2.93	2	U	318	528	2	U	2	U	6.16	2	U
trans-1,2-Dichloroethene	500	2	U	10	U	10	2	U	2	U	2	U	U
1,1,1-Trichloroethane	1,000	2	U	10	U	10	2	U	2	U	11	2	U
Vinyl chloride	10	3.46	2	U	56.1	77.3	2	U	2	U	2	48.6	2
Trichloroethylene	25	2.09	2	U	104	151	2	U	2	U	140	2	U
						46.2	2	U	2	U	270	102	2
Dissolved Inorganic Parameters:													
Nickel	2,000	40.8	50	U	37.4	30	U	NA	50	U	50	U	50

Notes:

- <sup>1</sup> All concentrations are in ug/l; only detected constituents are shown.
- <sup>2</sup> See Figure 1 for monitoring well locations.
- <sup>3</sup> Ground water standards are based on 35 IAC 620.420, except for the standards provided by the IEPA for 1,1-Dichloroethane.
- <sup>4</sup> Duplicate sample obtained from monitoring well.

Key:

- NA = Not analyzed.  
 U = Compound was not detected.  
 Single-boxed values exceed the Class II ground water standard.

EXHIBIT A

VOCs AND DISSOLVED NICKEL IN GROUNDWATER - LOWER WATER-BEARING INTERVAL<sup>1,2</sup>  
 FIRST QUARTER 2000 THROUGH FIRST QUARTER 2002  
 AUBREY MANUFACTURING, INC.  
 UNION, ILLINOIS  
 (Page 2 of 2)

Parameters	Ground Water Standard <sup>3</sup>	Sampling Event <sup>2</sup>											
		First Quarter 2001 (February, 2001)						First Quarter 2002 (February, 2002)					
Class II		MW-9D	MW-10	MW-13D	MW-14	MW-18D	MW-10	MW-10 DUP <sup>4</sup>	MW-13D	MW-14	MW-18D	MW-20D	
Organic Parameters:	20,000	5	5	42.9	5	5	0.5	0.5	43.1	0.5	0.5	0.5	
	200	5	5	724	6.05	5	0.5	0.5	573	4.24	0.5	0.5	
	500	5	5	9.99	5	5	0.5	0.5	10.3	0.5	0.5	0.5	
	1,000	5	5	5	24.4	5	0.5	0.5	0.5	13.1	0.5	1.94	
	10	3.05	0.214	120	0.71	0.214	0.5	0.5	49.1	0.5	0.5	0.5	
	25	1.46	0.5	286	71.7	0.5	0.5	0.5	177	47.2	0.5	0.5	
Dissolved Inorganic Parameters:													
	2,000	50	U	50	U	50	U	U	102	50.7	50	U	
Nickel													

Notes:

<sup>1</sup> All concentrations are in ug/l; only detected constituents are shown.

<sup>2</sup> See Figure 1 for monitoring well locations.

<sup>3</sup> Ground water standards are based on 35 IAC 620.420, except for the standards provided by the IEPA for 1,1-Dichloroethane.

<sup>4</sup> Duplicate sample obtained from monitoring well.

Key:

NA = Not analyzed.

U = Compound was not detected.

Single-boxed values exceed the Class II ground water standard.

## LEGAL DESCRIPTION

the Easterly 60.0 feet of the following Parcels:

### PARCEL 1:

Part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of Main Street as per the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1852 in Book 4 of Deeds, page 552, said point being 4 rods South of the South boundary of that tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed Records Book 103, page 380; thence West on a line parallel with the South boundary of said above described tract a distance of 198.00 feet to the West boundary of the above described tract extended South; thence South on a continuation of the West boundary line of the above described tract, a distance of 233 feet to the PLACE OF BEGINNING; thence S89°11'27"E along a line parallel to said South boundary line (Basis of Bearings, Illinois State Plane Coordinate System East Zone, NAD83 (1997 Rev.), a distance of 284.10 feet to a point on the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6; thence S00°03'48"W along East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6, a distance of 75.00 feet to a point; thence N89°11'27"W along a line parallel to said South boundary line, a distance of 285.36 feet to a point; thence N01°01'30"E, a distance of 75.00 feet to the PLACE OF BEGINNING, in Coral Township, McHenry County, Illinois. (Revised per Final Judgment Order of the Circuit Court of McHenry County, Illinois, on January 05, 2005, per Document No. 2005R0005289.)

ALSO

### PARCEL 4:

That part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of Main Street as per the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1852 in Book 4 of Deeds, page 552, said point being 4 rods South of the South boundary of that tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed Records Book 103, page 380; thence West on a line parallel with the South boundary of said above described tract 198.00 feet to the West boundary of the above described tract extended South to the PLACE OF BEGINNING; thence S89°11'27"E along said line parallel to said South boundary line (Basis of Bearings, Illinois State Plane Coordinate System East Zone, NAD83 (1997 Rev.), a distance of 280.18 feet to a point on the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6; thence S00°03'48"W along the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6, a distance of 233.00 feet to a point; thence N89°11'27"W along a line parallel to said South boundary line, a distance of 284.10 feet to a point; thence N01°01'30"E a distance of 233.00 feet to the PLACE OF BEGINNING in Coral Township, McHenry County, Illinois. (Revised per Final Judgment Order of the Circuit Court of McHenry County, Illinois, on January 05, 2005, per Document No. 2005R0005289.)

ALSO

### PARCEL 7:

The North 5 acres of the South 24 acres of the West Half of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian in McHenry County, Illinois.

ALSO

### PARCEL 9:

That part of the East Half of the Southwest Quarter of Section 4, Township 43 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at a point on the West boundary of Main Street as per the Original Plat of the Village of Union, according to the Plat thereof recorded June 17, 1852 in Book 4 of Deeds, page 552, said point being 4 rods South of the South boundary of that tract conveyed to the Trustees of the Evangelical Lutheran St. John's Church, by Deed Records Book 103, page 380; thence West on a line parallel with the South boundary of said above described tract 198.00 feet to the West boundary of the above described tract extended South; thence South on a continuation of the West boundary line of the above described tract, a distance of 308.0 feet to the PLACE OF BEGINNING; thence S89°11'27"E along a line parallel to said South boundary line (Basis of Bearings, Illinois State Plane Coordinate System East Zone, NAD83 (1997 Rev.), a distance of 285.36 feet to a point on the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6; thence S00°03'48"W along the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6, a distance of 14.19 feet to a point; thence N89°43'05"W along the North line of the North 5.00 acres of the South 24.00 acres of the West Half of the East Half of the Southwest Quarter of the aforesaid Section 4, a distance of 665.82 feet; thence N00°01'37"E a distance of 20.33 feet along the West line of the East Half of the Southwest Quarter of Section 4-43-6; thence S89°11'27"E along a line parallel to said South boundary line, a distance of 380.53 feet to the PLACE OF BEGINNING, in Coral Township, McHenry County, Illinois. (Revised per Final Judgment Order of the Circuit Court of McHenry County, Illinois, on January 05, 2005, per Document No. 2005R0005289.)

Said 60.0' Road dedication more particularly described as follows: Beginning at the Northeast corner of the previously described Parcel 4, also being a point on the East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6; thence South 00°03'48" West (Basis of Bearings, Illinois State Plane Coordinate System East Zone, NAD83 (1997 Rev.), along said East Line a distance of 650.91 feet to the Southeast most corner of said Parcel 7; thence North 89°26'01" West, a distance of 60.00 feet; thence North 00°03'48" East along a line 60.0 feet west of and parallel to said East Line of the West Half of the East Half of the Southwest Quarter of Section 4-43-6, a distance of 651.16 feet to a point on the northerly line of said Parcel 4; thence South 89°11'27" East along said northerly line a distance of 60.00 feet to the point of beginning.

All in McHenry County, Illinois.

05-26-5161